



2004 SUMMARY OF LEGISLATION

IOWA GENERAL ASSEMBLY LEGISLATIVE SERVICES AGENCY REGULAR AND EXTRAORDINARY SESSIONS

SUMMARY OF LEGISLATION ENACTED IN THE YEAR 2004 BY THE SECOND REGULAR SESSION AND THE EXTRAORDINARY SESSION OF THE EIGHTIETH GENERAL ASSEMBLY AND SIGNED BY THE GOVERNOR

Prepared by the Legislative Services Agency

PURPOSE

This summary of legislation enacted by the 2004 General Assembly has been prepared for the use of legislators and other interested parties. The summary of each legislative enactment has been assigned to a major subject category. This compilation provides interested persons with quick reference to legislation enacted in specific areas and generally informs persons of the contents and effective date of the legislation.

HOW TO FIND A SUMMARY

If you know the original file number of a particular bill, you may refer to the chart on pages v and vii to locate the category in which the summary will be found. Otherwise, each subject category begins with a table of contents listing the file number and the chapter title from the 2004 Iowa Acts and a listing of related legislation directing the reader to the category in which the summary is located and briefly explaining how the category at hand is related.

EFFECTIVE DATE

The effective date of the legislative enactments is July 1, 2004, unless otherwise specified in an individual summary.

FISCAL YEAR

For purposes of this summary of legislation, "fiscal year 2004-2005," and "FY 2004-2005," for example, both describe the fiscal year beginning July 1, 2004, and ending June 30, 2005.

VETOED BILLS

Bills vetoed by the Governor are included and noted in this summary. Item vetoes by the Governor are specified in their particular summary.

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LOCATION OF SUMMARIES BY FILE NUMBER

Senate Files

<u>Number</u>	<u>Major Subject</u>	<u>Number</u>	<u>Major Subject</u>
SF 297	Natural Resources & Outdoor Recreation	SF 2209	Health & Safety
SF 344	Civil Law, Procedure & Court Administration	SF 2210	Agriculture
SF 371	Civil Law, Procedure & Court Administration	SF 2213	Natural Resources & Outdoor Recreation
SF 443	Economic Development	SF 2215	State Government
SF 2026	Taxation	SF 2217	Agriculture
SF 2044	Local Government	SF 2224	Agriculture
SF 2059	Appropriations	SF 2230	Civil Law, Procedure & Court Administration
SF 2066	Transportation	SF 2234	Civil Law, Procedure & Court Administration
SF 2070	Transportation	SF 2240	Energy & Public Utilities
SF 2101	Criminal Law, Procedure & Corrections	SF 2244	Energy & Public Utilities
SF 2112	Appropriations	SF 2249	Agriculture
SF 2118	Energy & Public Utilities	SF 2253	Business, Banking & Insurance
SF 2119	Business, Banking & Insurance	SF 2257	Business, Banking & Insurance
SF 2121	Taxation	SF 2261	Alcohol Regulation & Substance Abuse
SF 2124	Education	SF 2266	Civil Law, Procedure & Court Administration
SF 2148	Criminal Law, Procedure & Corrections	SF 2269	Elections, Ethics & Campaign Finance
SF 2149	Gaming	SF 2270	Local Government
SF 2153	Health & Safety	SF 2272	Criminal Law, Procedure & Corrections
SF 2154	Criminal Law, Procedure & Corrections	SF 2274	Business, Banking & Insurance
SF 2166	Children & Youth	SF 2275	Criminal Law, Procedure & Corrections
SF 2167	Civil Law, Procedure & Court Administration	SF 2279	Elections, Ethics & Campaign Finance
SF 2173	Labor & Employment	SF 2282	Natural Resources & Outdoor Recreation
SF 2174	Education	SF 2284	Local Government
SF 2177	Education	SF 2288	Appropriations
SF 2179	Elections, Ethics & Campaign Finance	SF 2289	Local Government
SF 2183	Business, Banking & Insurance	SF 2290	Economic Development
SF 2187	Energy & Public Utilities	SF 2291	Local Government
SF 2188	State Government	SF 2295	Taxation
SF 2189	Business, Banking & Insurance	SF 2296	Taxation
SF 2190	Health & Safety	SF 2298	Appropriations
SF 2193	Civil Law, Procedure & Court Administration	SF 2303	Taxation
SF 2199	Civil Law, Procedure & Court Administration	SF 2306	Civil Law, Procedure & Court Administration
SF 2202	Education	SF 2308	State Government
SF 2208	Agriculture	SF 2311	Appropriations

Senate Joint Resolutions

<u>Number</u>	<u>Major Subject</u>
SJR 2007	Alcohol Regulation & Substance Abuse
SJR 2009	Alcohol Regulation & Substance Abuse
SJR 2010	Taxation

LOCATION OF SUMMARIES BY FILE NUMBER

House Files

<u>Number</u>	<u>Major Subject</u>	<u>Number</u>	<u>Major Subject</u>
HF 22	Civil Law, Procedure & Court Administration	HF 2390	Human Services
HF 250	Criminal Law, Procedure & Corrections	HF 2392	Environmental Protection
HF 265	Criminal Law, Procedure & Corrections	HF 2393	Natural Resources & Outdoor Recreation
HF 401	Taxation	HF 2394	Education
HF 561	Criminal Law, Procedure & Corrections	HF 2395	Criminal Law, Procedure & Corrections
HF 593	Elections, Ethics & Campaign Finance	HF 2396	Civil Law, Procedure & Court Administration
HF 2039	Appropriations	HF 2397	Energy & Public Utilities
HF 2042	Health & Safety	HF 2399	Criminal Law, Procedure & Corrections
HF 2133	Gaming	HF 2401	Environmental Protection
HF 2134	Human Services	HF 2402	Appropriations
HF 2138	Criminal Law, Procedure & Corrections	HF 2403	Agriculture
HF 2145	Local Government	HF 2404	Local Government
HF 2146	Criminal Law, Procedure & Corrections	HF 2418	Education
HF 2149	Criminal Law, Procedure & Corrections	HF 2419	Education
HF 2150	Children & Youth	HF 2431	Economic Development
HF 2167	State Government	HF 2432	Natural Resources & Outdoor Recreation
HF 2170	Civil Law, Procedure & Court Administration	HF 2433	Transportation
HF 2176	Children & Youth	HF 2440	Civil Law, Procedure & Court Administration
HF 2180	Elections, Ethics & Campaign Finance	HF 2441	Human Services
HF 2186	Natural Resources & Outdoor Recreation	HF 2447	Health & Safety
HF 2187	Health & Safety	HF 2450	Civil Law, Procedure & Court Administration
HF 2193	State Government	HF 2452	State Government
HF 2200	Health & Safety	HF 2455	Civil Law, Procedure & Court Administration
HF 2201	State Government	HF 2460	Education
HF 2207	State Government	HF 2462	Children & Youth
HF 2208	State Government	HF 2464	Health & Safety
HF 2225	Agriculture	HF 2467	State Government
HF 2230	Business, Banking & Insurance	HF 2471	Local Government
HF 2241	Education	HF 2475	Agriculture
HF 2243	Energy & Public Utilities	HF 2476	Agriculture
HF 2259	Criminal Law, Procedure & Corrections	HF 2479	Agriculture
HF 2262	State Government	HF 2480	Agriculture
HF 2269	Business, Banking & Insurance	HF 2481	Children & Youth
HF 2270	Business, Banking & Insurance	HF 2484	Business, Banking & Insurance
HF 2281	Natural Resources & Outdoor Recreation	HF 2486	Agriculture
HF 2282	Natural Resources & Outdoor Recreation	HF 2489	Business, Banking & Insurance
HF 2302	Gaming	HF 2490	Business, Banking & Insurance
HF 2306	Business, Banking & Insurance	HF 2493	Criminal Law, Procedure & Corrections
HF 2315	Agriculture	HF 2496	Health & Safety
HF 2318	Elections, Ethics & Campaign Finance	HF 2497	State Government
HF 2319	Elections, Ethics & Campaign Finance	HF 2505	Business, Banking & Insurance
HF 2325	Civil Law, Procedure & Court Administration	HF 2506	Health & Safety
HF 2327	Children & Youth	HF 2514	Health & Safety
HF 2328	Children & Youth	HF 2515	Agriculture
HF 2340	Elections, Ethics & Campaign Finance	HF 2516	Criminal Law, Procedure & Corrections
HF 2343	Health & Safety	HF 2517	Environmental Protection
HF 2347	Business, Banking & Insurance	HF 2518	Agriculture
HF 2350	Children & Youth	HF 2520	State Government
HF 2351	Environmental Protection	HF 2522	Criminal Law, Procedure & Corrections
HF 2352	Environmental Protection	HF 2523	Environmental Protection
HF 2357	Natural Resources & Outdoor Recreation	HF 2527	Civil Law, Procedure & Court Administration
HF 2358	Health & Safety	HF 2528	Civil Law, Procedure & Court Administration
HF 2362	Human Services	HF 2530	Civil Law, Procedure & Court Administration
HF 2366	Natural Resources & Outdoor Recreation	HF 2533	Civil Law, Procedure & Court Administration
HF 2367	Criminal Law, Procedure & Corrections	HF 2537	Local Government
HF 2373	Business, Banking & Insurance	HF 2538	Appropriations
HF 2378	Human Services	HF 2541	Energy & Public Utilities
HF 2381	Local Government	HF 2544	Local Government
HF 2383	Economic Development	HF 2549	Environmental Protection

Number Major Subject

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HF	2553	Taxation
HF	2554	Business, Banking & Insurance
HF	2555	Health & Safety
HF	2557	Business, Banking & Insurance
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HF	2559	Education
HF	2560	Local Government
HF	2561	Economic Development
HF	2562	Gaming

Number Major Subject

HF	2567	Agriculture
HF	2568	Business, Banking & Insurance
HF	2569	Local Government
HF	2571	Agriculture
HF	2572	Civil Law, Procedure & Court Administration
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HF	2577	Appropriations
HF	2579	Civil Law, Procedure & Court Administration
HF	2581	Economic Development

House Joint Resolution**Number Major Subject**

HJR	2005	Alcohol Regulation & Substance Abuse
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AGRICULTURE

- SENATE FILE 2208** - Department of Agriculture and Land Stewardship and Agricultural Regulation — Miscellaneous Changes
- SENATE FILE 2210** - Iowa Corn Promotion Board — Miscellaneous Provisions
- SENATE FILE 2217** - Cattle Industry Promotion, Education and Research — Assessments on Cattle Sales
- SENATE FILE 2224** - Grain Regulation
- SENATE FILE 2249** - Contests or Exhibitions Involving Animals
- HOUSE FILE 2225** - Drainage and Levee Districts — County Authority
- HOUSE FILE 2315** - Soil and Water Conservation Practices — Repairs and Improvements
- HOUSE FILE 2403** - Administration of Fairs — Allocation of Funds
- HOUSE FILE 2475** - Regulation of Swine and Feeder Pig Dealers
- HOUSE FILE 2476** - Communicable Diseases Affecting Poultry — Pathogenic Viruses
- HOUSE FILE 2479** - County Zoning of Commercial Canine Operations — VETOED BY THE GOVERNOR
- HOUSE FILE 2480** - Use of Pets As Prizes
- HOUSE FILE 2486** - Crimes Against Agricultural Production
- HOUSE FILE 2515** - Regulation of Farm Deer — VETOED BY THE GOVERNOR
- HOUSE FILE 2518** - Soil and Water Conservation Districts — Survey of Private Contractors
- HOUSE FILE 2567** - Transportation and Disposal of Dead Animals
- HOUSE FILE 2571** - Agricultural Landholding Reporting
- HOUSE FILE 2573** - Inspection and Control of Animal Health

RELATED LEGISLATION

- SENATE FILE 2298** - Government Funding, Administration, and Regulation — Appropriations and Miscellaneous Changes
SEE APPROPRIATIONS. Division II of this Act appropriates moneys to support the Department of Agriculture and Land Stewardship and programs relating to agriculture.

 Division X allows a life science enterprise to acquire or hold agricultural land if the land is acquired prior to July 1, 2008, instead of the previous July 1, 2004, date, and allows the Division of Soil Conservation to transfer responsibility for reclamation of a mine site to a private entity which intends to use it for the other purposes.

 Division XVI defers the payment of principal and interest on a loan granted to an Iowa agricultural industry finance corporation.
- HOUSE FILE 2207** - Substantive Code Corrections
SEE STATE GOVERNMENT. This Act contains statutory corrections that adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities. Changes made include changes to provisions regarding the recording of the name of a farm and changes relating to the definition and use of the term “agricultural products” in the Life Science Products Code chapter.
- HOUSE FILE 2270** - Cooperative Associations and Retention of Abandoned Property — Notice Requirements
SEE BUSINESS, BANKING & INSURANCE. This Act requires a cooperative association to publish a notice regarding the retention of a person’s abandoned disbursement property, such as stock or other equity, by the cooperative association where the amount of abandoned property is equal to or greater than \$50. Current law requires a notice to be published regardless of the value of the abandoned property.

HOUSE FILE 2523

- Regulation of Air Quality — VETOED BY THE GOVERNOR

SEE ENVIRONMENTAL PROTECTION. This bill would have amended provisions in Code Chapters 455B and 459, regulating air quality administered by the Department of Natural Resources. Code Chapter 455B, Division II, provides general air quality regulatory authority to the department, and Code Chapter 459 specifically regulates animal feeding operations and especially confinement feeding operations.

AGRICULTURE

SENATE FILE 2208 - Department of Agriculture and Land Stewardship and Agricultural Regulation — Miscellaneous Changes

BY COMMITTEE ON AGRICULTURE. This Act makes a number of changes relating to the powers and duties of the Department of Agriculture and Land Stewardship (IDALS).

Division I — General Powers and Duties

The division eliminates Code provisions relating to an annual report that must be submitted by the State Apiarist to the Governor, a requirement that the department collect agricultural statistics, and a requirement that the department keep an official seal.

Division II — Agricultural Energy Management Fund

The division abolishes the Agricultural Energy Management Fund, which was created to finance education and demonstration projects regarding tillage practices and the management of fertilizer and pesticide use.

Division III — Secretary's Designee As a Member of the Economic Development Board

The division amends Code Section 15.103, which establishes the Economic Development Board, which includes 11 voting members, including the Secretary of Agriculture. The division provides that the secretary may appoint a designee to serve on the board.

Division IV — Commercial Feed

The division amends Code Chapter 198, Commercial Feed, to allow the department to adopt rules regulating the movement of cottonseed into this state or within this state, adopt standards for cottonseed consistent with regulations promulgated by the U. S. Food and Drug Administration, and regulate the advertisement of commercial feed as it is presented in any medium. A person violating the provisions of this portion of the Act commits a simple misdemeanor, punishable by confinement for no more than 30 days or a fine of at least \$50 but not more than \$500, or by both.

Division V — Accountable Government Act

This division amends Code Chapter 8E, the Accountable Government Act, which requires state agencies to provide for strategic planning, performance measurement, and investment decision making under the supervision of the Department of Management, to remove IDALS from these requirements.

Division VI — Milk Regulation

This division amends provisions in Code Chapter 192 regulating milk and milk products used for human consumption. It updates references to publications incorporated in the chapter, including the Pasteurized Milk Ordinance.

SENATE FILE 2210 - Iowa Corn Promotion Board — Miscellaneous Provisions

BY COMMITTEE ON AGRICULTURE. This Act relates to the Iowa Corn Promotion Board codified in Code Chapter 185C. The board is supported by an excise tax or state assessment (commonly referred to as a checkoff) imposed upon the first purchasers of corn. Moneys derived from the checkoff are deposited into a Corn Promotion Fund and are generally used by the board for purposes of promotion and market development.

Code Section 185C.10 provides that a number of persons shall serve as ex officio, nonvoting members of the board, including the Secretary of Agriculture, the Dean of the College of Agriculture at Iowa State University, the Director of the Department of Economic Development, and two representatives of first purchaser organizations.

The Act expands the scope of the board's authority to expend checkoff moneys, permits the board to support education and training programs or demonstration projects, and authorizes the board to grant academic scholarships to full-time graduate or postgraduate students.

The Act establishes a financial assistance program. The purpose of the program is to improve the economic conditions of corn producers by providing financing to eligible persons for projects which expand corn markets. A project must relate to a new or existing value-added facility that utilizes corn or corn products; the development, production or utilization of a

variety of corn that expresses new or specialized traits; or the development of products or the delivery of services likely to increase the business of corn producers.

Finally, the Act provides that moneys deposited into the Corn Promotion Fund include interest earned on moneys in the fund.

SENATE FILE 2217 - Cattle Industry Promotion, Education, and Research — Assessments on Cattle Sales

BY COMMITTEE ON WAYS AND MEANS. This Act amends Code Chapter 181, which provides for an excise tax ("check-off") on the sale of cattle to support cattle production and the marketing, education and research of beef products as administered by the executive committee of the Iowa Beef Cattle Producers Association. The state checkoff is in effect for four years before producers may file a petition for a reverse referendum to determine whether the state checkoff should be continued for another four-year period. The amount of the state checkoff is up to 50 cents per head for cattle other than veal calves, which are assessed up to 35 cents per head.

The Iowa checkoff, which allows for refunds, was suspended October 1, 1986, the same day that the federal checkoff commenced under the federal Beef Promotion and Research Act (see 7 U.S.C. § 2901 et seq.), authorizing the U.S. Secretary of Agriculture to promulgate a beef promotion and research order requiring beef producers and beef importers to pay the national checkoff. The federal beef promotion and research order does not provide for refunds and its constitutionality has been challenged in federal court based on those grounds.

Substantively, the Act amends Code Section 181.1, which provides for definitions, including a definition for "producer," which is based on the federal act.

The Act amends Code Section 181.7A, which provides for the suspension of the state checkoff once its federal counterpart has been imposed and provides for the recommencement of the state checkoff once the federal assessment is no longer viable. The recommencement is triggered when the federal checkoff is no longer being collected or producers pass a special referendum to collect the state checkoff in addition to the federal one. If the state checkoff is recommenced because the national checkoff is no longer being collected, the state checkoff is to be imposed for a new four-year period, its effective date being the first date that the federal assessment is not collected. If a special referendum passes, its effective date is a date established by the Secretary of Agriculture, but within 90 days from the date that the secretary has determined the referendum has passed. The Act eliminates the lower assessment rate imposed on veal cattle. All cattle are subject to the same 50 cent rate. The Act amends procedures for petitioning for a second referendum if a continuance referendum fails.

The Act also makes a number of changes in order to enhance the Code chapter's readability. The Act changes the name of the executive committee to the "Iowa Beef Industry Council," and changes the name of the checkoff from "excise tax" to "state assessment." The Act eliminates sections that refer to referendums which are no longer applicable and rearranges provisions in order to enhance their readability.

The Act takes effect April 7, 2004.

SENATE FILE 2224 - Grain Regulation

BY COMMITTEE ON AGRICULTURE. This Act amends provisions in Code Chapter 203 regulating grain dealers by the Department of Agriculture and Land Stewardship. Grain dealers must be licensed by the department and adhere to a number of financial requirements. Grain dealers are also required to participate in the Grain Depositors and Sellers Indemnity Fund. The Act amends the definition of "grain dealer" to make it more restrictive. Currently a grain dealer is a person who purchases at least 1,000 bushels of grain from Iowa farmers (producers) during any calendar month for purposes of resale, milling or processing. The Act qualifies the purchases of grain. Before a person purchasing the 1,000 bushels of grain from producers is considered a grain dealer, the grain must be delivered within or into the state.

SENATE FILE 2249 - Contests or Exhibitions Involving Animals

BY COMMITTEE ON JUDICIARY. This Act amends Code Chapter 717D, which prohibits activities associated with an animal contest. A contest event is a function organized for the entertainment or profit of spectators where an animal is injured, tormented or killed. The event must involve a "contest animal," which the Code chapter defines to mean a bull involved in bullfighting or bull baiting, a bear involved in bear baiting, a chicken involved in cock fighting, or a dog involved in dog fighting.

The Act eliminates the term "contest animal" and protects all animals engaged in contest events, but retains a laundry list of exceptions provided in Code Section 717D.3. Thus a contest event does not include races, fairs, rodeos, 4-H functions, hunting or fishing parties, field meets or trials, or the raising or selling of game. It also does not apply to actions by courts,

local authorities, research facilities, licensed veterinarians, persons using animal husbandry practices, or persons protecting their life or property.

In addition to offenses provided in Code Section 717D.2 (prohibiting persons from owning or operating establishments where a contest event occurs, promoting or being a spectator at a contest event, training a contest animal, or transporting a contest animal), the Act prohibits a number of other activities. It prohibits a person from possessing or owning an animal engaged or to be engaged in a contest event; buying or selling an animal used for that purpose; or possessing, owning, manufacturing, or transferring a contest device used to enhance fighting, and specifically devices used in cock fighting.

Generally, the Act increases the penalty for a violation of the Code chapter from a serious misdemeanor to a class "D" felony. A person who acts as a spectator of a contest event is guilty of an aggravated misdemeanor. A serious misdemeanor is punishable by confinement for no more than one year and a fine of at least \$250 but not more than \$1,500. A class "D" felony is punishable by confinement for no more than five years and a fine of at least \$750 but not more than \$7,500. An aggravated misdemeanor is punishable by confinement for no more than two years and a fine of at least \$500 but not more than \$5,000.

The Act repeals Code Section 725.11, a provision which also prohibits animal fighting and other contests in which animals may be injured or killed.

The Act takes effect April 9, 2004.

HOUSE FILE 2225 - Drainage and Levee Districts — County Authority

BY MERTZ. This Act amends Code Section 468.315, which allows a county board of supervisors to establish a drainage district that includes all or part of a city together with land located outside the city. The Code section prohibits a board from establishing a district which contains only a city. The Code section does not specifically refer to the authority of the board to establish a levee district which includes part of a city, although other provisions in Code Chapter 468 do (see Code Section 468.317). Finally, the Code section prohibits a board from establishing a sewer district.

The Act provides that the county board of supervisors may establish a drainage or levee district that includes any part of a city or includes only a city if the city council consents by resolution. The Act also limits the restriction on a board seeking to establish a district for sewer purposes. The Act provides that this restriction only applies to prohibit a board from establishing a sanitary sewer district.

The Act takes effect April 14, 2004.

HOUSE FILE 2315 - Soil and Water Conservation Practices — Repairs and Improvements

BY MERTZ. This Act relates to agricultural conservation practices. It amends provisions in Code Chapter 468, which authorizes a governing board, usually a county board of supervisors and sometimes a joint board of supervisors or a board of trustees, to establish and administer a drainage district or districts, and to locate and establish levees. This includes the authority to maintain a levee, ditch, drain, watercourse, or settling basin, and to modify natural watercourses within its jurisdiction. The cost of establishing and maintaining a district is borne by the owners of land within the district who are responsible for paying an assessment.

Code Section 468.126 authorizes the governing board to make repairs necessary to maintain or restore a drainage or levee improvement. For example, it may remove silt and debris, repair damaged structures, and remove weeds. If the estimated cost of a repair exceeds \$10,000, or 75 percent of the original total cost of the district and subsequent improvements, whichever is greater, the board must notify landowners and set a date for a hearing. If the cost is less than that, a notice and hearing is not required and the cost is paid from the drainage district's moneys, specifically the county draining or levee fund. The Act increases the amount required in order to avoid the notice and hearing requirement to \$15,000. The Act also increases by the same amount moneys that the board may borrow from county revenues in order to pay for weed control.

HOUSE FILE 2403 - Administration of Fairs — Allocation of Funds

BY COMMITTEE ON LOCAL GOVERNMENT. This Act amends provisions in Code Chapter 174 regulating county and district fairs. It revises definitions of key terms used in the Code chapter. Under the Act, the term "society" (the organization responsible for conducting the event) is changed to "fair" and the term "fair" is changed to "fair event." The Act provides that in order to qualify as a fair, and therefore be eligible for state aid, the fairgrounds, buildings and improvements must have a fair market value of at least \$80,000 (increased from \$8,000).

Under current law, moneys appropriated to the Treasurer of State for state aid are allocated to the Association of Iowa Fairs, which in turn distributes the moneys to eligible fairs. The Act provides that a fair must use state aid moneys for the

acquisition of land and capital improvements. The Act makes a number of changes to requirements for filing for state aid and for filing a report with the Governor and General Assembly. The Act prohibits a fair from using state aid to pay for entertainment venues or for equipment, supplies, or miscellaneous expenses. The Act provides that in order to be eligible for state aid, a society must be a member in good standing with the association. The Act eliminates a provision allowing a board of supervisors, upon petition, to submit to the voters a referendum upon the question of designating an official county fair. The Act changes how state aid is distributed, so that it is no longer distributed equally among all eligible fairs, but according to a decision by the association's board of directors. The Act also allows the association to pay state aid to a fair upon condition that a fair send one delegate to the association's annual meeting.

The Act eliminates a provision that authorizes a fair to appoint special police.

HOUSE FILE 2475 - Regulation of Swine and Feeder Pig Dealers

BY COMMITTEE ON AGRICULTURE. Code Chapter 202C provides that a dealer of feeder pigs must file evidence of financial security with the Department of Agriculture and Land Stewardship. The evidence of financial security may be a bond or irrevocable letter of credit. The dealer must file the evidence of financial security before being licensed by the department to conduct a feeder pig dealer business under Code Section 163.30. The amount of the evidence of financial responsibility must be established by departmental rule, which is generally based on the volume of sales reported by the dealer to the U. S. Department of Agriculture Grain Inspection, Packers and Stockyards Administration.

This Act provides that a person required to be licensed as a feeder pig dealer but who does business without being licensed is subject to a civil penalty of at least \$1,000 but not more than \$5,000. The Act reduces the amount of financial responsibility required to be maintained by a dealer from the current amount of between \$50,000 and \$300,000 to between \$5,000 and \$25,000.

The Act also establishes limitations on when a purchaser may bring a legal action against a surety on the bond or the issuer of the irrevocable letter of credit.

The Act takes effect April 20, 2004.

HOUSE FILE 2476 - Communicable Diseases Affecting Poultry — Pathogenic Viruses

BY COMMITTEE ON AGRICULTURE. This Act regulates certain viruses affecting poultry, including avian paramyxovirus, commonly referred to as Newcastle disease, and avian influenza. The Act refers to these viruses as pathogenic viruses. The Act adds these viruses to the list of infectious and contagious diseases enumerated in Code Chapter 163, Infectious and Contagious Diseases Among Animals. That chapter provides general authority to the Department of Agriculture and Land Stewardship to protect animal populations against threats to health.

The Act creates a new Code Chapter 165B to be administered by the department. The Act authorizes the department to adopt rules under the Code chapter, which may include the approval of methods to determine infection.

The Act provides that a person who is an owner or a custodian of poultry must take measures designed to prevent the spread of a pathogenic virus as required by the department, dispose of infected or exposed poultry, and sanitize the premises where the poultry were kept. A person who violates the provisions is subject to a civil penalty of at least \$100 but not more than \$1,000. In the case of a continuing violation, the total amount of civil penalty cannot exceed \$25,000.

The Act also prohibits certain places where poultry are assembled (referred to as restricted concentration points), which includes premises where they are sold or where they are placed together as part of a contest. It does not apply to a number of establishments, including where the poultry are raised, a slaughtering establishment, a fair, an event sponsored by the department, or an event sponsored by a commodity organization. The prohibition extends to a person who owns or operates a restricted concentration point, has a legal interest in or custody of infected poultry, transports poultry to or from a restricted concentration point, purchases poultry at a restricted concentration point, or who attends or participates in a contest event at a restricted concentration point. A range of minimum civil penalties applies to a violation of each of these offenses, beginning from \$100 to \$25,000. Senate File 2298 (see Appropriations) amended this Act to provide that the various amounts assessed as civil penalties are fixed rather than being minimum amounts without a maximum limit.

The Act provides that the department or a law enforcement officer may confiscate poultry as part of an investigation. If a violation has occurred, the poultry are conclusively deemed to be infected with a pathogenic virus and must be destroyed. The department is required to ensure that real or personal property that is exposed to the poultry is sanitized. The owner of the poultry or property subject to confiscation or the owner of the property required to be sanitized may be required to reimburse the department or local subdivision for related enforcement costs, which may be collected as a tax lien.

HOUSE FILE 2479 - County Zoning of Commercial Canine Operations — VETOED BY THE GOVERNOR

BY COMMITTEE ON AGRICULTURE. This bill would have amended Code Chapter 335, providing for county zoning, by providing that the chapter would not have applied to land, residences, or other buildings or structures used in a commercial canine operation licensed or certified by the Department of Agriculture and Land Stewardship. The department regulates a number of such operations under Code Chapter 162, including commercial kennels and breeding establishments.

HOUSE FILE 2480 - Use of Pets As Prizes

BY COMMITTEE ON JUDICIARY. This Act creates a new Code Chapter 717E in proximity to other criminal chapters providing for animal welfare. The Act provides that a person commits a simple misdemeanor if the person awards a pet or advertises that a pet may be awarded as a prize for participating in a game or fair event, as an inducement or condition for visiting a place of business or attending a business event, or as an inducement or benefit for executing a contract. The Act does not apply to pets awarded by licensed pet shops in connection with a sale, farm organizations, or outdoor recreation organizations.

HOUSE FILE 2486 - Crimes Against Agricultural Production

BY COMMITTEE ON AGRICULTURE. This Act amends Code Chapter 717A, which prohibits a person from destroying property associated with agricultural production, including property related to animal agriculture and crop production.

Code Section 717A.2 prohibits a person from transmitting a disease to an agricultural animal (an animal maintained for its parts or products having commercial value or an animal belonging to the equine species) or crop (a plant maintained for its parts or products having commercial value if produced from an agricultural or vegetable seed; or a tree, shrub, vine, berry plant, greenhouse plant, or flower). Code Section 717A.2 in part prohibits a person from acting without the consent of the owner to willfully destroy property of an animal facility, or kill or injure an animal maintained at an animal facility. The section provides a range of criminal penalties for persons who are in violation of its provisions, from a class "C" felony if the injury to or death of an animal or damage to property exceeds \$50,000, to a simple misdemeanor if the injury to or death of an animal or damage to property does not exceed \$50. The Act reduces the threshold for a class "C" felony from \$50,000 to \$10,000 and makes corresponding changes to threshold amounts for class "D" felonies and aggravated misdemeanors.

A class "C" felony is punishable by confinement for no more than 10 years and a fine of at least \$1,000 but not more than \$10,000. A class "D" felony is punishable by confinement for no more than five years and a fine of at least \$750 but not more than \$7,500. An aggravated misdemeanor is punishable by confinement for no more than two years and a fine of at least \$500 but not more than \$5,000.

The Act makes it a crime to possess, transport or transfer a pathogen which may threaten the health of an animal, including an agricultural animal, or a crop. A person who is found guilty of this crime is guilty of a class "B" felony, which is punishable by confinement for no more than 25 years. The pathogens are referenced according to federal law (which refers to them as biological agents or toxins). A few of the pathogens threatening animal health are African horsesickness, African swine fever, bluetongue (exotic), classical swine fever, contagious bovine pleuropneumonia, foot-and-mouth disease, highly pathogenic avian influenza, lumpy skin disease, Newcastle disease (exotic), peste des petits ruminants, rinderpest sheep pox and goat pox, swine vesicular disease, and vesicular stomatitis (exotic). The pathogens threatening plant health are *Liberobacter africanus* or *Liberobacter asiaticus*, *peronosclerospora philippinensis*, *phakopsora pachyrhizi*, plum pox potyvirus, *ralstonia solanacearum* race 3, *sclerophthora rayssiae* var. *zeae*, *synchytrium endobioticum*, *xanthomonas oryzae* pv. *Oryzicola*, and *xylella fastidiosa* (citrus variegated chlorosis strain).

The Act provides two qualifications. A person is not subject to the Act's provisions if the person is acting in compliance with federal law. Thus, a diagnostic laboratory would be exempt from state law as long as it complied with federal reporting requirements.

HOUSE FILE 2515 - Regulation of Farm Deer — VETOED BY THE GOVERNOR

BY COMMITTEE ON AGRICULTURE. This bill would have prohibited the Department of Agriculture and Land Stewardship from requiring that a landowner be issued a license to keep farm deer. The bill would have expressly provided that there would be no minimum acreage requirement. It would have allowed any person to take farm deer kept within a certified fence, subject to the landowner's consent. Finally, it would have prohibited the department from regulating the taking of farm deer unless the regulation was to prevent the outbreak of a transmissible disease.

HOUSE FILE 2518 - Soil and Water Conservation Districts — Survey of Private Contractors

BY COMMITTEE ON ENVIRONMENTAL PROTECTION. This Act requires the Soil and Water Conservation Division of the Department of Agriculture and Land Stewardship, in consultation with the commissioners of the soil and water conser-

vation districts, to conduct a biennial review of the availability of private soil and water conservation control contractors in each district and to prepare and post a report containing the results of the review on the department's Internet site.

HOUSE FILE 2567 - Transportation and Disposal of Dead Animals

BY COMMITTEE ON WAYS AND MEANS. This Act amends Code Chapter 167, which provides for the transportation and rendering of animal carcasses by persons licensed by the Department of Agriculture and Land Stewardship.

Code Sections 167.4 and 167.6 require a person who is engaged in the business of disposing of animal carcasses to pay the department an application fee of \$100 and a license fee of \$100. The Act rewrites Code Section 167.4 by providing application procedures and fees for three classes of persons who: (1) operate a disposal plant; (2) operate a collection point where animal carcasses are accumulated; or (3) operate a delivery service which transports whole animal carcasses or their parts to a collection point or disposal plant. The fee for these classes is \$100, except for delivery services that are not part of an operation associated with a disposal plant or collection point. This class is charged a \$50 license fee.

The Act regulates the transportation of carcasses or their parts and specifically provides that a vehicle's container is not required to be covered unless the department orders otherwise based on actual or potential outbreaks of infectious or contagious diseases.

The Act also requires that a person transporting a deer or elk carcass from an area outside the state which has a significant prevalence of chronic wasting disease obtain prior approval from the department. This provision takes effect May 14, 2004.

Generally, a person who violates a provision of Code Chapter 167 is guilty of a simple misdemeanor. The Act provides that the person may be subject to a civil penalty of not less than \$100 and not more than \$1,000. However, a person cannot be subject to both a criminal and civil penalty.

The Act also repeals a number of Code provisions which are addressed in the Act's new Code Section 167.4 as rewritten.

HOUSE FILE 2571 - Agricultural Landholding Reporting

BY COMMITTEE ON GOVERNMENT OVERSIGHT. Code Chapter 10B provides a number of reporting requirements for business entities holding agricultural land in this state, including entities holding land under other Code chapters such as 9H and 9I (e.g., corporations, cooperatives, limited partnerships, trusts, limited liability companies, and foreign businesses). The business entity must file an annual report with the Secretary of State on or before March 31 of each year. The report must contain information for the last year regarding the business entity, including information about the activities of the entity, the entity's landholdings, and agricultural commodities produced on the land. The chapter does not apply to family farm entities (such as family farm corporations, family farm limited partnerships, family trusts, and family farm limited liability companies). Failure to timely file a report or filing false information is punishable by a civil penalty not to exceed \$1,000.

This Act changes the period required for filing these reports. Generally, under the Act, a report must be filed each odd-numbered year. There is an exception for those business entities which file general biennial reports with the Secretary of State under their respective chapters. For-profit corporations and not-for-profit corporations file reports alternatively on either even-numbered or odd-numbered years. The Act provides that those business entities required to file a report may file the report in conjunction with their general biennial report. The Act permits the Secretary of State to combine its reporting forms. The Act provides that the same filing requirements apply to lessees of agricultural land which use agricultural land for research or experimental purposes. The Act also provides that information in the reports is confidential, although it allows the information to be provided to the Attorney General and members of the General Assembly.

HOUSE FILE 2573 - Inspection and Control of Animal Health

BY COMMITTEE ON APPROPRIATIONS. This Act amends a number of provisions in Title V of the Code relating to animal health, specifically infectious or contagious diseases regulated by the Department of Agriculture and Land Stewardship. The Act amends the term "infectious or contagious" throughout the title to be consistent. The Act provides a common definition of the term "certificate of veterinary inspection" (formerly "health certificate" or "certificate of health") as used throughout chapters regulating animal health. The definition is borrowed from Code Chapter 163A regulating brucellosis in swine. The Act also amends Code Chapter 163 to provide definitions of "control" and "movement."

Code Section 163.1 authorizes the department to quarantine animals that have been infected or exposed to an infectious or contagious disease and provides for the destruction of such animals as determined by the department. This presumably refers to animals that have been exposed to or afflicted with the disease and the Act specifically provides for that. The Act makes a related change to Code Section 163.10, which provides for quarantining and destroying animals infected with the disease. The Act provides that this includes animals exposed to the disease. Code Section 163.15 provides for indemnifying

owners whose livestock have been destroyed by the department. One method is based on a formula adopted by the department and approved by the Executive Council. The other method is an appraisal method. The Act provides an appropriation to the department from the General Fund of the State as approved by the Executive Council to support payments under the formula method just as the Executive Council approves payments now based on the appraisal method.

ALCOHOL REGULATION AND SUBSTANCE ABUSE

- SENATE FILE 2261 - Liquor Control Violations — Administrative Sanctions Against Licensees or Permittees
- S.J.R. 2007 - World Food Prize Awards Ceremony
- S.J.R. 2009 - Annual Meeting of MidAmerican Chapter of American Association of Law Librarians
- H.J.R. 2005 - Annual Meeting of Midwestern Legislative Conference of Council of State Governments

RELATED LEGISLATION

- SENATE FILE 2288 - Federal Block Grant Appropriations
SEE APPROPRIATIONS. This Act appropriates federal block grant and other nonstate moneys to state agencies for the federal fiscal year beginning October 1, 2004, and ending September 30, 2005. The Act includes funding for various substance abuse and drug enforcement programs.
- SENATE FILE 2298 - Government Funding, Administration, and Regulation — Appropriations and Miscellaneous Changes
SEE APPROPRIATIONS. Divisions V and VI of this Act make appropriations for health and human services and provide numerous related provisions, including appropriations for substance abuse and addiction treatment.
- HOUSE FILE 265 - Operating While Intoxicated — Withdrawal of Bodily Specimens
SEE CRIMINAL LAW, PROCEDURE & CORRECTIONS. This Act relates to the warrantless withdrawal of blood from a person under arrest for a drunk driving-related violation resulting from a motor vehicle accident that causes a death or injury reasonably likely to cause a death.
- HOUSE FILE 2150 - Child Endangerment — Possession or Manufacture of Specified Controlled Substances
SEE CHILDREN & YOUTH. This Act establishes a new child endangerment criminal offense for permitting the presence of a child or minor at a location where amphetamine or methamphetamine is manufactured or possessed with intent to manufacture but there was not a serious injury to the child.
- HOUSE FILE 2505 - Sale of Alcoholic Beverages, Wine, or Beer on Credit — Convention, Civic, or Events Centers
SEE BUSINESS, BANKING & INSURANCE. This Act provides that Code provisions which specify that alcoholic beverages, wine, or beer may not be sold to any person on credit except with a bona fide credit card shall not apply to the managing entity of a convention center, civic center, or events center.
- HOUSE FILE 2577 - Healthy Iowans Tobacco Trust and Tobacco Settlement Trust Fund — Appropriations — Miscellaneous Provisions
SEE APPROPRIATIONS. This Act relates to and makes appropriations from the Healthy Iowans Tobacco Trust. The Act appropriates funds to the Iowa Department of Public Health for the Tobacco Use Prevention and Control Program, for provision of smoking cessation and smoking-related diseases products, and for additional substance abuse treatment. The Act makes changes in the administration of the Tobacco Use Prevention and Control Program. The Act specifies requirement for selection of the High School Mentor Program grantee and provides for nonreversion of FY 2003-2004 moneys appropriated for the program. This provision takes effect May 17, 2004.

ALCOHOL REGULATION AND SUBSTANCE ABUSE

SENATE FILE 2261 - Liquor Control Violations — Administrative Sanctions Against Licensees or Permittees

BY COMMITTEE ON JUDICIARY. This Act relates to the penalties associated with specified liquor control violations. The Act eliminates the application of civil penalties to violations involving retail beer or wine permittees knowingly allowing the mixing or adding of alcohol or any alcoholic beverage to beer, wine or any other beverage in or about the permittee's place of business. Criminal penalties for such violations are not impacted by the Act.

The Act additionally provides that civil penalties associated with the sale, gift, or supplying of any alcoholic beverage, wine or beer to a person, knowing or failing to exercise reasonable care to ascertain whether the person is under legal age, or permitting any person, knowing or failing to exercise reasonable care to ascertain whether the person is under legal age, to consume any alcoholic beverage, wine or beer, which were previously applicable to "convictions for violations," shall now apply simply to "violations" of the provisions. For the purpose of determining the length of time between violations, which dictates which civil penalty shall be applicable, the date of any violation shall be used in determining the period of time between violations.

SENATE JOINT RESOLUTION 2007 - World Food Prize Awards Ceremony

BY IVERSON. This Joint Resolution authorizes the consumption of wine at an awards ceremony to be held by the World Food Prize Foundation at the State Capitol on or around October 14, 2004.

SENATE JOINT RESOLUTION 2009 - Annual Meeting of MidAmerican Chapter of American Association of Law Librarians

BY IVERSON. This Joint Resolution authorizes the consumption of wine in the State Capitol during a social event to be held in conjunction with the 2004 Annual Meeting of the MidAmerican Chapter of the American Association of Law Librarians. The social event takes place on or around October 15, 2004.

HOUSE JOINT RESOLUTION 2005 - Annual Meeting of Midwestern Legislative Conference of Council of State Governments

BY JACOBS. This Joint Resolution authorizes the consumption of wine and beer in the State Capitol during a social event to be held in conjunction with the 2004 Annual Meeting of the Midwestern Legislative Conference of the Council of State Governments. The social event takes place on or around July 13, 2004.

APPROPRIATIONS

- SENATE FILE 2059** - Birth Certificate Fees — Appropriation
- SENATE FILE 2112** - Appropriations — Transportation
- SENATE FILE 2288** - Federal Block Grant Appropriations
- SENATE FILE 2298** - Government Funding, Administration, and Regulation — Appropriations and Miscellaneous Changes
- SENATE FILE 2311** - Workforce and Economic Development Appropriations and Related Changes — EXTRAORDINARY SESSION
- HOUSE FILE 2039** - State Budget Adjustments — Cash Reserve and Senior Living Trust Funds
- HOUSE FILE 2402** - Interdepartmental Appropriation Transfers — VETOED BY THE GOVERNOR
- HOUSE FILE 2538** - Cash Reserve, Infrastructure, and Environment First Funds — Transfers
- HOUSE FILE 2577** - Healthy Iowans Tobacco Trust and Tobacco Settlement Trust Fund — Appropriations — Miscellaneous Provisions

RELATED LEGISLATION

- HOUSE FILE 2207** - Substantive Code Corrections
SEE STATE GOVERNMENT. This Act contains statutory corrections that adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities. Changes made include deletion of obsolete appropriations to the Groundwater Protection Fund.
- HOUSE FILE 2302** - Gambling — Miscellaneous Changes
SEE GAMING. This Act makes several changes to provisions governing gambling in Iowa, including the operation, licensure, regulation, fee assessment, and taxation of racetracks, excursion gambling boats, and gambling games. The Act establishes a County Endowment Fund and directs one-half of 1 percent of tax revenue received from gambling games to that fund. Money is then appropriated to qualified endowments located in counties that do not have a licensee conducting gambling games. The Act also codifies a Gambling Treatment Fund and directs one-half of 1 percent of tax revenue received from gambling games, lottery revenue, and nonsimulcast pari-mutuel wagering to the fund, up to a maximum of \$6 million. Moneys in the fund are appropriated to the Iowa Department of Public Health for gambling treatment purposes. The Act also establishes assessments on currently existing gambling boats and directs that revenue be deposited in the Rebuild Iowa Infrastructure Fund (RIIF). The Act also establishes a new table games license fee and fees for new licenses for an excursion gambling boat and directs that the money be deposited in RIIF.
- HOUSE FILE 2549** - Waste Tire Management Fund Appropriations
SEE ENVIRONMENTAL PROTECTION. This Act appropriates moneys in the Waste Tire Management Fund.
- HOUSE FILE 2555** - Public Health Programs and Regulation — Additional Provisions
SEE HEALTH & SAFETY. This Act provides that moneys deposited in a Gifts and Grants Fund established by the Iowa Department of Public Health are appropriated to the department for the

The following is a list of acronyms used:

AEA - Area education agency
 CSRU - Child Support Recovery Unit
 DAS - Department of Administrative Services
 DEA - Department of Elder Affairs
 DHS - Department of Human Services
 DNR - Department of Natural Resources
 DOC - Department of Corrections

DOM - Department of Management
 DPS - Department of Public Safety
 FIP - Family Investment Program
 FTE - Full-time equivalent position
 IDALS - Iowa Department of Agriculture and Land Stewardship
 IDED - Iowa Department of Economic Development

IDOT - Iowa Department of Transportation
 IDPH - Iowa Department of Public Health
 IWD - Iowa Workforce Development
 MH/DD - Mental Health/Developmental Disabilities
 RIIF - Rebuild Iowa Infrastructure Fund
 TANF - Temporary Assistance for Needy Families

public health purposes specified in the gift or grant, and that moneys in the fund are not subject to appropriation or expenditure for any other purpose and are not to revert to the General Fund of the State.

HOUSE FILE 2573

- Inspection and Control of Animal Health

SEE AGRICULTURE. This Act provides for the compensation of owners whose livestock have been destroyed because they were infected or exposed to an infectious or contagious disease.

APPROPRIATIONS

SENATE FILE 2059 - Birth Certificate Fees — Appropriation

BY COMMITTEE ON APPROPRIATIONS. This Act provides for a standing appropriation of fees generated from the registration of certificates of birth. The fee for a certificate of birth is \$15 from July 1, 2003, through June 30, 2005, and is \$20 beginning July 1, 2005, and thereafter.

From July 1, 2003, through June 30, 2005, \$10 of each fee is appropriated for primary and secondary child abuse prevention programs, and \$5 of each fee is appropriated for the Birth Defects Institute Central Registry. Beginning July 1, 2005, \$10 of each fee is appropriated for primary and secondary child abuse prevention programs, and \$10 of each fee is appropriated for the Birth Defects Institute Central Registry.

The Act takes effect March 18, 2004.

SENATE FILE 2112 - Appropriations — Transportation

BY COMMITTEE ON APPROPRIATIONS. This Act makes and limits appropriations for FY 2004-2005 from the Road Use Tax Fund and the Primary Road Fund to the Iowa Department of Transportation (IDOT).

Appropriations from the Road Use Tax Fund include appropriations for driver's license production costs, salaries, operations and finance, administrative services, planning, motor vehicles, the merit system, unemployment and workers' compensation, indirect cost recoveries, audits, county issuance of driver's licenses and vehicle registration and titling, a system providing toll-free telephone road and weather reports, participation in the Mississippi River Parkway Commission, and the state's membership in the North America's Superhighway Corridor Coalition.

Appropriations from the Primary Road Fund include appropriations for salaries, operations and finance, administrative services, planning, highways, motor vehicles, the merit system, unemployment and workers' compensation, hazardous waste disposal at field locations and the Ames complex, indirect cost recoveries, audits, production of transportation maps, improvements to Ames complex facilities, and deferred maintenance at field facilities.

The Act amends provisions relating to the Keep Iowa Beautiful Fund by requiring that the Department of Revenue transfer, rather than credit, designated income tax checkoff contributions to the fund. Payments from the fund to public or private organizations may be authorized by IDOT without further action by the General Assembly. Moneys in the fund are appropriated upon IDOT's authorization to be used for educating and encouraging interest in community environmental and beautification projects and providing financial assistance to such projects. See S.F. 2298, Division XXII, for changes to the Keep Iowa Beautiful Checkoff.

SENATE FILE 2288 - Federal Block Grant Appropriations

BY COMMITTEE ON APPROPRIATIONS. This Act appropriates moneys to various state agencies for the federal fiscal year beginning October 1, 2004, and ending September 30, 2005, from the following federal block grants: Substance Abuse Prevention and Treatment, Community Mental Health Services, Maternal and Child Health Services, Preventive Health and Health Services, Drug Control and System Improvement, Stop Violence Against Women, Local Law Enforcement, Community Services, Community Development, Low-Income Home Energy Assistance, Social Services, Mental Health Services for the Homeless, and Child Care and Development. See S.F. 2298, Division V, for appropriations of the federal Temporary Assistance for Needy Families (TANF) Block Grant.

The Act requires that moneys be distributed in accordance with the applicable federal requirements. The Act establishes a procedure if more or less federal funding is received than predicted. In addition, the Act appropriates other federal grants, receipts and funds, including specific categorical grants, and other nonstate grants, receipts and funds available in whole and in part for the state fiscal year beginning July 1, 2004, and ending June 30, 2005. The distribution requirements for the Community Mental Health Services Block Grant are revised from previous years to require a larger percentage of the block grant to be distributed to community mental health centers.

The following is a list of acronyms used:

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 IDALS - Iowa Department of Agriculture and Land Stewardship
 IDED - Iowa Department of Economic Development

IDOT - Iowa Department of Transportation
 IDPH - Iowa Department of Public Health
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A new directive is included that if additional Child Care and Development Block Grant funding is received, the additional amount is to be used for purposes identified by the Department of Human Services. In addition, to the extent the funding is sufficient, the department is to set reimbursement rates based on the most recently completed rate reimbursement survey. Otherwise, S.F. 2298 requires the department to utilize the survey completed in December 1998.

SENATE FILE 2298 - Government Funding, Administration, and Regulation — Appropriations and Miscellaneous Changes BY COMMITTEE ON APPROPRIATIONS. This Act makes, reduces and transfers appropriations; provides for government and economic development-related taxation, surcharge and fee matters; and provides for other properly related matters. The Act is divided into divisions as follows:

Division I — Administration and Regulation

Division I relates to, and appropriates around \$92 million from, the General Fund of the State to various administrative and regulatory state departments, agencies and funds for FY 2004-2005.

The state departments and agencies include the Department of Administrative Services (DAS); Auditor of State; Iowa Ethics and Campaign Disclosure Board; Department of Commerce; Office of Governor, including the Lieutenant Governor, Terrace Hill Quarters, and Drug Control Policy Office; Department of Human Rights; Department of Inspections and Appeals (including racing and gaming regulation); Department of Management (DOM); Secretary of State; Treasurer of State; Iowa Public Employees' Retirement System; and Department of Revenue.

The division also appropriates funding for the state's membership in the National Governors Association and for the Ready to Work program and coordinator.

The division allows a charter agency to approve claims for expenses in attending conventions, out-of-state travel requests, and memberships in professional organizations without obtaining Executive Council approval.

The language governing the Innovations Fund is also changed to provide that any savings realized by an agency using an innovation project loan that is not retained by the agency shall not be deposited in the Innovations Fund. In addition, the division provides that the standing appropriation to DOM for deposit in the fund for a loan that is not required to be repaid by the agency receiving the loan shall be limited to the principal and interest amount for the loan.

The division provides that \$50 per license received from real estate salesperson's and broker's license fees shall be deposited in the Real Estate Education Fund. Currently, the greater of \$10 or 40 percent per year for each real estate salesperson's license and the greater of \$10 or 25 percent per year for each broker's license are deposited in the fund. In addition, \$25 for each real estate salesperson's and broker's license is appropriated from the Real Estate Education Fund to the State Board of Regents for maintaining a Real Estate Education Program at the University of Northern Iowa. Under current law, 70 percent of moneys in the fund is given for the program.

The division also directs DAS to pursue a goal of increasing the ratio of employees per supervisor for executive branch agencies to 12-to-1 by December 31, 2005.

Division II — Agriculture and Natural Resources

Division II provides funding for the Department of Agriculture and Land Stewardship (IDALS) and the Department of Natural Resources (DNR) from a number of sources.

DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP. For IDALS, moneys are appropriated from the General Fund of the State and full-time equivalent employee positions (FTEs) are authorized in order to support its Administrative Division, Regulatory Division, Laboratory Division, and Conservation Division. The division also appropriates moneys to support animal industry programs, including a program to regulate horse and dog racing by the department. The division specifically provides support to the Senior Farmers Market Nutrition Program and to the department for membership in the Missouri River Association. The division also appropriates moneys to IDALS for the purpose of supporting the testing and monitoring of avian influenza affecting the poultry industry.

DEPARTMENT OF NATURAL RESOURCES. For DNR, moneys are appropriated from the General Fund of the State and FTEs are authorized in order to support its Administrative and Support Services Division, Parks and Preserves Division, Forests and Forestry Division, Energy and Geological Resources Division, and Environmental Protection Division. The division also appropriates moneys from the State Fish and Game Protection Fund for support of the Division of Fish and Wildlife. Moneys are transferred to the State Fish and Game Protection Fund to support snowmobile programs and enforce

state navigation laws administered by the department. The division permits the department to use additional funds for staffing to reduce the department's floodplain permit backlog and to use additional funds available from stormwater discharge permit fees for staffing required to implement the federal total maximum daily load program.

MISCELLANEOUS PROVISION. The division extends the repeal of Code Chapter 424, which provides for an environmental protection charge on petroleum diminution, from July 1, 2014, to July 1, 2016.

Division III — Economic Development

Division III makes appropriations and transfers from the General Fund of the State to the Iowa Department of Economic Development (IDED), the University of Iowa, the University of Northern Iowa, Iowa State University, the Iowa Department of Workforce Development (IWD), and the Public Employment Relations Board for FY 2004-2005.

The division provides that the goals for IDED shall be to expand and stimulate the state economy, increase the wealth of Iowans, and increase the population of the state.

The division appropriates moneys from loan repayments on loans under the former Rural Community 2000 Program to IDED for providing financial assistance to Iowa's councils of governments and for the Rural Development Program.

The division appropriates moneys collected by the Division of Insurance in excess of the anticipated gross revenues to IDED for purposes of insurance economic development and international insurance economic development.

The division appropriates moneys from the Iowa Community Development Loan Fund to IDED for purposes of the Community Development Program.

The division appropriates moneys from the Workforce Development Fund Account to the Workforce Development Fund. Moneys appropriated or transferred to or receipts credited to the Workforce Development Fund may be used for administration of workforce development activities. All moneys remaining in the Job Training Fund on July 1, 2004, and any moneys appropriated or credited to the fund during FY 2004-2005, shall be transferred to the Workforce Development Fund.

The division appropriates moneys from the Administrative Contribution Surcharge Fund to IWD for salaries, support, maintenance, conducting labor market surveys, miscellaneous purposes, and for Workforce Development Regional Advisory Board member expenses.

The division appropriates moneys from the Special Employment Security Contingency Fund to IWD for the Division of Workers' Compensation and immigration service centers.

In relation to contribution rates for unemployment compensation, the division amends the computation of the current reserve fund ratio to include specific dollar amounts as being part of the funds available to pay benefits. In relation to unemployment compensation, the division amends the term "employment" to exclude certain alien agricultural workers who are not covered by the Federal Unemployment Tax Act.

The Office of Renewable Fuels and Coproducts may apply to IDED for moneys in the Value-Added Agricultural Products and Processes Financial Assistance Fund for deposit in the Renewable Fuels and Coproducts Fund.

The Auditor of State is requested to review the audit of the Iowa Finance Authority performed by the auditor hired by the authority, and to conduct a performance audit of the authority to determine the effectiveness of the authority and the programs of the authority.

For the fiscal year beginning July 1, 2004, any entity that was specifically identified in 2001 Iowa Acts, Chapter 188, to receive funding from IDED, excluding any entity identified to receive a direct appropriation beginning July 1, 2004, may apply to the department for assistance through the appropriate program.

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 DNR - Department of Natural Resources
 DOC - Department of Corrections

DOM - Department of Management
 DPS - Department of Public Safety
 FIP - Family Investment Program
 FTE - Full-time equivalent position
 IDALS - Iowa Department of Agriculture and Land Stewardship
 IDED - Iowa Department of Economic Development

IDOT - Iowa Department of Transportation
 IDPH - Iowa Department of Public Health
 IWD - Iowa Workforce Development
 MH/DD - Mental Health/Developmental Disabilities
 RIIF - Rebuild Iowa Infrastructure Fund
 TANF - Temporary Assistance for Needy Families

In providing moneys from the Shelter Assistance Fund to homeless shelter programs, IDED shall explore the potential of allocating moneys to programs based in part on their ability to move their clients toward self-sufficiency.

All federal grants to and the federal receipts of agencies appropriated funds under this division, not otherwise appropriated, are appropriated for the purposes set forth in the federal grants or receipts unless otherwise provided.

The division appropriates moneys from moneys credited to the state by the Secretary of the Treasury of the United States pursuant to the Social Security Act to IWD for the administration of the Unemployment Compensation Program only.

The division appropriates moneys from the General Fund of the State to IDED to pay payroll expenditure refunds under the School-to-Career Program.

Division IV — Education

Division IV appropriates moneys for FY 2004-2005 from the General Fund of the State to the College Student Aid Commission, the Department for the Blind, the Department of Cultural Affairs, the Department of Education, and the State Board of Regents and its institutions.

COLLEGE STUDENT AID COMMISSION. The division includes appropriations to the College Student Aid Commission for general administrative purposes, student aid programs, an initiative directing primary care physicians to areas of the state experiencing physician shortages, the National Guard Educational Assistance Program, and the Teacher Shortage Forgivable Loan Program. The division nullifies, for the third year, the \$2.75 million standing appropriation for the Iowa Work-Study Program for FY 2004-2005.

The division amends statutory language to establish that the forgivable loan portion of the Osteopathic Physician Recruitment Program is to be administered by the commission in conjunction with Des Moines University; require the university to provide 1-to-1 matching funds; increase funding for Iowa Tuition Grants, but limit to \$3.4 million the amount that can be distributed to for-profit private institutions; reduce state funding for scholarships; and increase funding for Vocational-Technical Tuition Grants.

DEPARTMENT FOR THE BLIND. The division appropriates to the Department for the Blind for its administration.

DEPARTMENT OF CULTURAL AFFAIRS. The division appropriates to the Department of Cultural Affairs for its Arts, Historical and Administrative Divisions, for historic sites, and for community cultural grants.

DEPARTMENT OF EDUCATION. The division appropriates moneys to the Department of Education for purposes of the department's general administration, vocational education administration, Division of Vocational Rehabilitation Services, independent living, State Library for general administration and the Enrich Iowa Program, library service area system, Public Broadcasting Division, regional telecommunications councils, vocational education to secondary schools, school food service, Iowa Empowerment Fund, textbooks for nonpublic school pupils, Student Achievement and Teacher Quality Program, Jobs for America's Graduates, grants to support school district efforts to close the achievement gap, and community colleges.

The division directs the department to work with the State Board of Regents and other eligible grantees to obtain any available federal funding for the establishment and operation of a teacher intern program.

In lieu of an appropriation from the General Fund of the State, the division permits the Board of Educational Examiners to retain 85 percent of revenues from licensing fee increases approved by the board between July 1, 1997, and June 30, 2003, and 70 percent of revenues from licensing fee increases approved after July 1, 2003.

The division amends statutory language to permit the department to prorate annual National Board for Professional Teaching Standards certification awards when a teacher is employed on a less than full-time basis by a school district; strike language that requires a portion of the moneys allocated to the Reading Recovery Center from the Interest for Iowa Schools Fund to be distributed to area education agencies (AEAs); permit school district boards to delegate to superintendents the authority to hire support personnel and sign support personnel employment contracts if the boards adopt such a policy and specify the positions the superintendent is authorized to fill; and permit DAS to prorate Phase II moneys if the funds appropriated are insufficient.

STATE BOARD OF REGENTS. The division appropriates moneys to the State Board of Regents for the board office, tuition replacement, the Southwest Iowa Graduate Studies Center, the Tristate Graduate Center, the Quad-Cities Graduate Studies Center, the State University of Iowa, Iowa State University of Science and Technology, the University of Northern Iowa, the

Iowa School for the Deaf, the Iowa Braille and Sight Saving School, and for tuition and transportation costs for students residing in the Iowa Braille and Sight Saving School and the Iowa School for the Deaf.

The division encumbers, until January 1, 2005, nearly \$26 million of the nearly \$27.3 million appropriated to the University of Iowa Hospitals and Clinics for FY 2004-2005. If the federal government increases the Medicaid reimbursement, allowing the Department of Human Services (DHS) to increase hospital payments to offset the high costs incurred in providing services to medical assistance patients prior to January 1, 2005, an amount equal to the increased payments shall be deposited in the State General Fund from the moneys encumbered. If the federal government does not increase the Medicaid reimbursement by January 1, 2005, the moneys are no longer encumbered and may be expended.

Division V — Health and Human Services

Division V makes appropriations for purposes of health and human services to the Department of Elder Affairs (DEA), the Iowa Department of Public Health (IDPH), the Commission of Veterans Affairs, and DHS.

DEPARTMENT OF ELDER AFFAIRS. Funding is appropriated to DEA for aging programs and area agencies on aging. A new allocation of \$49,000 is designated to provide training to resident advocate committees.

IOWA DEPARTMENT OF PUBLIC HEALTH. The division appropriates funds to IDPH, including funds for addictive disorders, adult wellness, child and adolescent wellness, chronic conditions, community capacity, elderly wellness, environmental hazards, infectious diseases, injuries, and public protection. Past practice is continued to allow IDPH to retain and utilize all or a portion of licensing fees for purposes relating to the associated health professions. A project for modernization of vital records along with its associated fee is continued for another year as is the scope of practice review committee project involving health profession practices.

New language directs IDPH and DHS to collaborate to identify funding to leverage the maximum amount of federal funding for AIDS Drug Assistance Program supplemental treatment grants.

The division states legislative intent for state agencies, local communities, and individuals to begin exploring strategies and partnerships to create a statewide community network that supports health promotion, prevention, and chronic disease management in order to transform Iowa, collectively, into one healthy community.

COMMISSION OF VETERANS AFFAIRS. Funds are appropriated from the General Fund of the State to the Commission of Veterans Affairs and the Iowa Veterans Home. The Iowa Veterans Home is to operate with a net State General Fund appropriation.

DEPARTMENT OF HUMAN SERVICES. The division makes appropriations from the General Fund of the State and other funds for DHS and includes other appropriations and provisions involving human services and health care.

TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK GRANT (TANF). The division appropriates moneys from the federal TANF Block Grant for a number of purposes, including the Family Investment Program (FIP); field operations; general administration; local administrative costs; child care assistance, including funding for provision of educational opportunities to registered child care home providers; mental health and developmental disabilities community services; child and family services; child abuse prevention grants; pregnancy prevention grants; technology needs and other resources to meet federal welfare reform requirements; volunteers; the Healthy Opportunities for Parents to Experience Success (HOPES) Program; and state child care assistance. In addition, the division appropriates block grant moneys for community-based programs targeted to children from birth through five years of age and developed by community empowerment areas.

A new appropriation of \$200,000 is provided to DHS to establish a pilot project in a judicial district selected by the department and the Judicial Council, to provide employment and support services to delinquent child support obligors as an alternative to commitment to jail as punishment for contempt of court.

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 DPS - Department of Public Safety
 FIP - Family Investment Program
 FTE - Full-time equivalent position
 IDALS - Iowa Department of Agriculture and Land Stewardship
 IDED - Iowa Department of Economic Development

IDOT - Iowa Department of Transportation
 IDPH - Iowa Department of Public Health
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FAMILY INVESTMENT PROGRAM. Under federal TANF welfare reform provisions, federal funding is provided for FIP in the form of an annual block grant to the state. Consequently, the Act includes combined FIP and FIP-related program appropriations from the General Fund of the State and the block grant. These appropriations are directed to the Family Development and Self-Sufficiency Grant Program, the diversion subaccount of the FIP Account, and the Food Stamp Employment and Training Program.

New language directs DHS, in cooperation with IDPH, to identify means by which the Food Stamp Program may be utilized to promote good nutrition and healthy choices among recipients of food stamps.

CHILD SUPPORT RECOVERY UNIT (CSRU). The division requires CSRU to continue to work with the judicial branch to determine the feasibility of a pilot project using a court-appointed referee for determination of child support awards, if initiated by the judicial branch; continues the Child Support Public Awareness Campaign located in the Office of the Attorney General; and provides that surcharges paid by obligors and received by CSRU, as a result of referral of support delinquencies by CSRU to any private collection agency, are appropriated to DHS to pay the costs of any contracts with the collection agencies. The division continues to direct DHS to issue federal access and visitation grant moneys directly to private not-for-profit agencies that provide services designed to increase compliance with the child access provisions of court orders, including but not limited to neutral visitation site and mediation services. The appropriation made for child support recovery continues previous language, including authority to expend certain surcharges received.

MEDICAL ASSISTANCE (MEDICAID). The division continues Medicaid Program provisions required in previous years. New language directs DHS to aggressively pursue options for providing Medicaid or other assistance to individuals with special needs who become ineligible to continue receiving services under the Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) Program due to becoming 21 years of age and who have been approved for additional assistance through exception to policy provisions. An allocation of \$100,000 is to be used for participation in one or more pilot projects operated by a private provider to allow these individuals to receive services in the community.

The division directs the Iowa Medical Assistance Drug Utilization Review Commission to submit copies of its annual review to DHS and legislators.

The division requires DHS to submit a Medicaid state plan amendment to the federal government relating to adjustment of hospital payments to state-owned acute care hospitals with over 500 beds to offset the high cost incurred by such facilities for providing services to Medicaid patients.

The division also requires DHS to assist school districts in applying for direct claiming under the Medicaid Program for funding of school district nursing services.

HEALTH INSURANCE PREMIUM PAYMENT PROGRAM. The division appropriates funds to continue the Health Insurance Premium Payment Program, which provides for payment for private health insurance in lieu of Medicaid Program coverage.

MEDICAL CONTRACTS. The division provides funding for contracted services associated with the Medicaid Program. New language provides that up to \$665,000 of the moneys deposited in the Pharmaceutical Settlement Account is appropriated to DHS for FY 2004-2005 to be used for the procurement of and transition to the new Medical Assistance Program fiscal agent vendors.

MEDICAID NEW REQUIREMENTS. The division requires DHS to do all of the following:

- ? Issue one or more requests for proposals to purchase certain durable medical equipment or supplies if such a procurement strategy reduces the costs of these items, while maintaining appropriate access and quality standards.
- ? Expand the Recipient Lock-in Program, surveillance and utilization review activities, and program audit activities to the greatest extent possible, and report any savings to legislators.
- ? Implement a Health Insurance Data Match Program with insurance carriers to be used to match insureds against a listing of Medicaid recipients, and adopt rules to take effect no later than June 30, 2004.
- ? Institute a process to require home health agencies to bill the Medicare Program for appropriate home health services, and require home health agencies to attach a Medicare denial of benefits form to the Medicaid form.
- ? Identify and initiate a process for reducing reliance on intermediate care facilities for persons with mental retardation level of care and substituting community-based care.
- ? Provide that under the Iowa preferred drug list requirements, any newly released generic drug product will be considered a preferred drug and not subject to prior authorization if the generic product's cost is less than the brand name product's cost.

- ? Determine or enter into a contract to identify the incidence of chronic disease within the Iowa Medicaid Program population to most effectively utilize disease management programs, and provide authorization to procure a sole source contract for this purpose.

STATE SUPPLEMENTARY ASSISTANCE (SSA). The division appropriates funding for SSA and the Medicaid Program home and community-based services waiver rent subsidy.

CHILDREN'S HEALTH INSURANCE PROGRAM. The division appropriates funds for the state children's health insurance program known as the healthy and well kids in Iowa (hawk-i) Program.

CHILD CARE ASSISTANCE. The division provides an appropriation for the State Child Care Assistance Program and child day care resource and referral services and requires DHS to use moneys deposited in the Child Care Credit Fund for the State Child Care Assistance Program.

CHILD CARE QUALITY RATING SYSTEM. The division requires DHS to consult with various interests in developing a plan for implementing a voluntary child care provider quality rating system. The plan is to be submitted to the Governor and General Assembly in December 2004.

JUVENILE INSTITUTIONS. The division makes appropriations to the Iowa Juvenile Home at Toledo and the State Training School at Eldora.

CHILD AND FAMILY SERVICES. The division appropriates funds for child and family services, provides for continuation of the funding cap for group foster care, and continues previous requirements for child welfare services.

New language directs DHS to work with foster and adoptive families, private child welfare agencies, and advocates to identify savings alternatives in the Adoption Subsidy Program, provides an allocation of \$100,000 to IDPH for a Child Protection Center Grant Program, and provides an allocation of \$148,000 to fund one or more child welfare diversion and mediation pilot projects established pursuant to H.F. 2462 (see Children & Youth).

JUVENILE DETENTION HOME FUND. The division addresses the Juvenile Detention Home Fund, consisting of funds collected by the Iowa Department of Transportation (IDOT) at the time IDOT suspends, revokes or bars a person's motor vehicle license or nonresident operating privileges. Moneys in the fund are to be used for the costs of the establishment, improvement, operation, and maintenance of county or multicounty juvenile detention homes for continuation of the community partnership for child protection sites, and remaining treatment plan grants.

FAMILY SUPPORT SUBSIDY PROGRAM. The division provides an appropriation for the Family Support Subsidy Program.

CONNOR DECREE. The division makes an appropriation to continue coordination and training opportunities associated with disability services in accordance with the Connor decree.

MENTAL HEALTH INSTITUTES. The division provides appropriations to the mental health institutes at Cherokee, Clarinda, Independence, and Mount Pleasant.

STATE RESOURCE CENTERS. The division makes appropriations for the resource centers at Glenwood and Woodward utilizing a net State General Fund appropriation, and authorizes the centers to carry forward unexpended balances from FY 2004-2005.

STATE CASES. The division makes an appropriation for mental illness, mental retardation, and developmental disabilities state cases.

MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES (MH/DD) SERVICES FUNDING. The division includes a number of provisions affecting provision of state funding of MH/DD services provided by counties. One provision relates to funding for MH/DD services growth. Under current law, the state is required to annually provide funding for the growth in county MH/DD services expenditures. The division continues a practice begun in 2001 by combining the moneys appropriated for

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growth and the moneys appropriated for the MH/DD Community Services Fund and applies a reduction to formula distribution amounts based upon the relative size of a county's ending balance.

PERSONAL ASSISTANCE SERVICES PROGRAM. The division provides an appropriation for this pilot program for adult persons with physical disabilities in an urban and a rural area. The division prohibits acceptance of new applicants, but requires that an individual receiving services as of June 30, 2004, continue receiving services until the individual voluntarily leaves the project or until a program with similar services exists.

SEXUALLY VIOLENT PREDATORS. This appropriation provides for payment of costs associated with the commitment and treatment of sexually violent predators at the Mental Health Institute at Cherokee.

FIELD OPERATIONS, GENERAL ADMINISTRATION, AND VOLUNTEERS. The division includes appropriations for DHS field operations, general administration, and volunteers. Funding is also allocated for the Prevention of Disabilities Policy Council.

MEDICAID, STATE SUPPLEMENTARY ASSISTANCE, AND SOCIAL SERVICE PROVIDERS REIMBURSED UNDER THE DEPARTMENT OF HUMAN SERVICES. The division establishes reimbursement rates for social services providers. However, Division VI, providing appropriations from the Senior Living Trust Fund and other special funds, increases reimbursements to some of these providers.

The division provides a limitation to the budget for nursing facilities for FY 2004-2005 and provides for adjustment of portions of the rate calculation, continues a limitation on reimbursement of pharmacy dispensing fees, and provides for the establishment of a fixed-fee reimbursement schedule for home health agencies beginning July 1, 2005. The division provides for specified changes in the Adoption Subsidy Program and requests the Legislative Council to establish an interim study committee to review the Adoption Subsidy Program. The provision relating to the Adoption Subsidy Program takes effect May 17, 2004.

TRANSFER AUTHORITY. The division permits DHS to transfer funding between a number of appropriations provided the combined funding is not changed.

STATUTORY AND OTHER PROVISIONS. The division suspends the following requirements in law or rule for FY 2003-2004: school attendance requirements for children participating in FIP (known as the "Learnfare" initiative), requirements for case permanency plan reviews for certain intact families, and the annual evaluation of the Family Support Subsidy Program. A number of these provisions are made permanent in H.F. 2390 (see Human Services).

The division provides all of the following statutory and other provisions:

- ? Directs DHS to cause a Refugee Services Foundation to be created for the sole purpose of engaging in refugee resettlement activities to promote the welfare and self-sufficiency of refugees who live in Iowa.
- ? Allows a county to recoup costs of a shelter care placement from a child's parent or guardian.
- ? Creates a Medical Assistance Crisis Intervention Team to provide projections of Medicaid Program expenditures through June 30, 2008. DHS is required to issue a report on or before August 1, 2004, providing recommendations to reduce costs or provide revenue enhancements to reduce the projected program and administration costs of the program by \$130 million for FY 2005-2006. This provision takes effect May 17, 2004.
- ? Provides statutory language regarding the directive to health insurance carriers to enter into a Health Insurance Data Match Program with DHS. This provision takes effect May 17, 2004.
- ? Provides for a change in the calculation of the direct care costs component of the Medicaid Program reimbursement rate for nursing facilities beginning July 1, 2004.
- ? Provides for carryover of moneys appropriated for FY 2002-2003 for implementation of the federal Health Insurance Portability and Accountability Act. This provision takes effect May 17, 2004.
- ? Provides for carryover of moneys allocated for continuation or procurement of the contract with the department's Medicaid Program fiscal agent. This provision takes effect May 17, 2004.
- ? Provides for carryover of moneys appropriated in FY 2003-2004 for the purpose of meeting federal food stamp electronic benefit transfer requirements. This provision takes effect May 17, 2004.
- ? Increases the amount of state funding that may be expended in FY 2003-2004 for shelter care services. This provision takes effect May 17, 2004.
- ? Increases the amount allowed to be carried forward from FY 2003-2004 from \$500,000 to \$1 million by the Iowa Veterans Home. This provision takes effect May 17, 2004.
- ? Provides for carryover of moneys appropriated in FY 2003-2004 for the child welfare system redesign to be used for child and family services. This provision takes effect May 17, 2004.

- ? Provides that the \$2 million appropriated for FY 2003-2004 for deposit in the risk pool in the Property Tax Relief Fund for county MH/MR/DD/BI services is instead to be used for Medicaid Program reimbursement for FY 2004-2005. This provision takes effect May 17, 2004.

Division VI — Senior Living and Hospital Trust Funds

Division VI makes appropriations from the Senior Living Trust Fund and the Hospital Trust Fund.

The division provides an appropriation to DEA for a Comprehensive Senior Living Program. The division makes new allocations for the provision of training to resident advocate committees for elder group homes and licensed health care facilities, to provide two additional state long-term care resident advocates, and to provide case management services to elders who are not eligible for the Medicaid Program.

The division makes an appropriation to the Department of Inspections and Appeals for inspection and certification of assisted living facilities and adult day services.

The division makes an appropriation to DHS to provide grants to nursing facilities for conversion to assisted living programs or to provide long-term care alternatives. The division makes a new allocation to provide financing to construct affordable assisted living and service-enriched affordable housing for seniors and persons with disabilities.

The division makes an appropriation from the Hospital Trust Fund to DHS to supplement the Medicaid Program appropriation for FY 2004-2005.

The division provides that appropriations from the General Fund of the State, the Senior Living Trust Fund, the Hospital Trust Fund, and the Healthy Iowans Tobacco Trust to DHS for the Medicaid Program appropriation for FY 2004-2005 that remain unencumbered or unobligated at the close of the fiscal year are not to revert but are to be transferred to the Senior Living Trust Fund.

New Code provisions create a Senior Living Revolving Loan Program Fund to provide financing for the construction of affordable assisted living and service-enriched affordable housing for seniors and persons with disabilities and create a Home and Community-Based Services Revolving Loan Program Fund to further the goals of DEA, adult day services, respite services, and congregate meals by expanding facilities and infrastructure that provide adult day services, respite services, and congregate meals that address the needs of persons with low incomes.

Division VII — Mental Health, Mental Retardation, Developmental Disabilities, and Brain Injury (MH/MR/DD/BI) Services

Division VII appropriates and distributes state funding for MH/MR/DD/BI services provided by counties. By statute, the state funding for allowed growth in county service costs is provided a fiscal year in advance, so an appropriation of \$28.5 million is made for this purpose for FY 2005-2006. The division provides for distribution of the \$23.7 million appropriation previously made for this purpose for FY 2004-2005. The amount distributed to a county is based upon the previous year's ending balance in the county's MH/MR/DD services fund. New language requires a mid-year financial report to be made by counties in January 2005.

An FY 2004-2005 appropriation of \$200,000 is included for support of mental health services provided for persons who are poor or elderly by county hospitals in counties with a population of 225,000 or more.

Division VIII — Judicial Branch

Division VIII makes appropriations for the judicial branch operations and Judicial Retirement Fund. The state contribution matching the basic salaries of judges for the retirement fund is limited to 9.71 percent. A clerk of the district court cannot be appointed unless the appointment is approved by the State Court Administrator.

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 DPS - Department of Public Safety
 FIP - Family Investment Program
 FTE - Full-time equivalent position
 IDALS - Iowa Department of Agriculture and Land Stewardship
 IDEED - Iowa Department of Economic Development

IDOT - Iowa Department of Transportation
 IDPH - Iowa Department of Public Health
 IWD - Iowa Workforce Development
 MH/DD - Mental Health/Developmental Disabilities
 RIIF - Rebuild Iowa Infrastructure Fund
 TANF - Temporary Assistance for Needy Families

Division IX — Justice System

Division IX makes appropriations for FY 2004-2005 from the General Fund of the State to the departments of Justice, Corrections, Public Defense, and Public Safety, and the Iowa Law Enforcement Academy, Office of the State Public Defender, Board of Parole, and Iowa State Civil Rights Commission.

The Attorney General is to be annually reimbursed up to \$50,000 from the Second Injury Fund for providing services related to the fund. This provision takes effect May 17, 2004.

An Iowa Corrections Offender Network Fund is created under the control of the Department of Corrections (DOC). All sales, gifts and donations related to the Iowa Offender Network Data System are to be credited to the fund for use in maintenance and further development of the network. This provision takes effect May 17, 2004.

For FY 2004-2005, the Iowa Law Enforcement Academy may charge more than one-half the costs of providing the basic training course upon authorization of a majority of the Iowa Law Enforcement Council. Current law prohibits the Iowa Law Enforcement Academy from charging more than one-half the costs.

DOC is required to coordinate and provide information to the counties regarding available inmate bed space in each county jail, detention facility, or municipal jail.

The State Public Defender, along with other justice system interests, is required to conduct a study of cost savings methods for delivery of legal representation of indigent persons.

After deductions to an inmate's earnings, DOC may retain up to 50 percent of any remaining balance from the earnings if the inmate is employed in a new job created on or after July 1, 2004. The funds retained by the department are to be used for supervision costs incurred by the department when supervising the private sector employment of inmates.

A person on probation may not be prematurely discharged from probation unless the person has paid any court-appointed attorney fees and supervision fees.

The appropriation from the Wireless E911 Emergency Communications Fund for support of the E911 administrator is extended until the end of FY 2004-2005. This provision takes effect May 17, 2004.

Legislative intent that Iowa State Patrol members currently assigned to District 16 (Capitol Complex) be reassigned to patrol duties on highways and roads and fill the resulting vacant positions with training school candidates is included in the division.

Changes are made with regard to the distribution of delinquent fines and costs collected by the county attorney for court-appointed attorney fees and the expenses of public defenders. The changes provide that if the county attorney's office has collectively accumulated up to \$1.2 million of delinquent fines and costs for deposit into the General Fund of the State, the county attorney's office may keep 33 percent of any additional delinquent fines and costs collected, the county general fund shall receive 34 percent of the delinquent fines and costs, and the General Fund of the State receives the remainder. Current law provides that 35 percent of any delinquent fines and costs collected shall be deposited in the county general fund, and the remainder shall be deposited into the General Fund of the State.

Division X — Standing Appropriations, Salaries, and Miscellaneous Provisions

Division X provides for limitations, reductions, and change in funding source for FY 2004-2005 of specific standing appropriations, addresses salaries and benefits for state employees, makes various Code section changes, and provides other miscellaneous provisions as follows:

STANDING APPROPRIATIONS — LIMITS AND REDUCTIONS. Reduces the amount appropriated for the General Assembly by \$2 million. The following standing appropriations are limited to specific amounts: compensation of officers and enlisted persons while on active duty, nonpublic school transportation, printing cigarette tax stamps, state cost of peace officers' retirement benefits, livestock production credit refunds, instructional support state aid, at-risk children programs, paying claims against the state, administrative expenses of the Unemployment Compensation Program, interest costs under the federal Cash Management and Improvement Act, funding the state's Deferred Compensation Program, and the Educational Excellence Program.

PROPERTY TAX CREDITS. Nullifies, for FY 2004-2005, the standing appropriations from the General Fund of the State for reimbursement for the homestead, agricultural land, family farm, military service, and elderly and disabled property tax

credits and elderly and disabled rent reimbursement and instead appropriates from the Cash Reserve Fund for these purposes and limits to specific dollar amounts.

DEER MEAT DONATIONS. Makes an appropriation to DNR to expand the Help Us Stop Hunger pilot program, which involves the providing of donated deer meat to the needy.

STATE APPEAL BOARD. Makes an unlimited appropriation to the State Appeal Board for FY 2004-2005 to streamline and improve the board process.

STATE EXPENDITURE LIMITATION. Applies the State Expenditure Limitation Law to regular and extraordinary sessions held prior to July 1. The provision takes effect May 17, 2004.

REPAY FROM ECONOMIC EMERGENCY FUND. Increases the amount that must be repaid from the Iowa Economic Emergency Fund as a result of transfers or appropriations from the Endowment for Iowa's Health Account. The repayment occurs after the maximum limit of the Iowa Economic Emergency Fund is reached.

VETERANS AFFAIRS. Increases the membership of the Commission of Veterans Affairs from seven to nine with an additional two members representing the military reserves and the Iowa National Guard; requires the Commandant of the Iowa Veterans Home to be a resident of Iowa who served in the armed forces and was honorably discharged and is a licensed nursing home administrator; and authorizes the commission to establish and operate a state veterans cemetery and to make application to the federal government for establishing such a cemetery (moneys are allocated for the cemetery in Division XI). The provision to increase membership takes effect May 17, 2004.

CLASS SIZE REDUCTION. Extends the Iowa Early Intervention Block Grant Program to reduce class size and support reading instruction for K-3 students for FY 2004-2005 and appropriates \$29.25 million for that fiscal year.

ALLOWABLE GROWTH. Sets at 4 percent the state percent of growth under the State School Foundation Program for the budget year beginning July 1, 2005.

BUDGET GUARANTEE. Deletes Code language which restricted school district eligibility for certain budget guarantee provisions. The Code language limited the budget adjustment to school districts whose regular program district cost is less than 101 percent of such cost for the previous year. This elimination makes all districts eligible.

AREA EDUCATION AGENCIES. Reduces by \$11.8 million the amount of state aid to AEAs. This is the same amount as was reduced for FY 2003-2004 and is in addition to a previous \$7.5 million reduction.

VOTER APPROVALS. Requires a countywide vote on the issuance of revenue bonds and the sale of assets by an authority established by the county and its county seat to operate public buildings. Prior law required only a vote of the registered voters in the unincorporated areas and those of the county seat.

DUAL OFFICEHOLDER. Permits a person serving as chief of a volunteer fire department that serves an area with a population of not more than 2,000 who is elected to the city council to continue to hold office as fire chief during the city council term of office.

HISTORIC PROPERTY CREDIT. Allows, under the tax credit for qualified rehabilitation costs for rehabilitating historic property (Code Chapter 404A), that the only qualified costs that may now be used are those incurred between the project completion date and two years prior to such date if any costs incurred prior to the project receiving approval would qualify for the federal rehabilitation tax credit. Prior law limited the costs to those incurred between the completion date and the later of two years or the project approval date. The provision applies retroactively to January 1, 2002.

LOCAL OPTION SALES TAX. Changes the local option sales and services tax for school infrastructure purposes (Code Chapter 422E) to limit the sale of local sales and services tax for school infrastructure bonds to 10 years unless an extension of the period of the imposition of such tax is approved; rewrites the bonding authority of the board of directors of a school district so that it mirrors, to a large extent, the authority set out for city and county revenue bonds under the local option

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FIP - Family Investment Program

FTE - Full-time equivalent position

IDALS - Iowa Department of Agriculture and Land Stewardship

IDED - Iowa Department of Economic Development

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sales and services tax imposed under Code Chapter 422B; provides that for elections occurring after April 1, 2003, and before August 1, 2003, the requirements relating to a revenue purpose statement are considered to have been met if the revenue purpose statement is submitted by April 1, 2004; and strikes the provision that limits the amount a school district may receive in local sales and services tax under the distribution formula to the guaranteed school infrastructure amount of \$575 per student, which is subject to adjustment.

STATE SALARY INCREASE FUNDING. Provides that salary moneys to fund collective bargaining agreements, with similar percentage increases for noncontract state employees, are to be paid from any available source of the employee's department or agency, including federal funds, and provides supplemental authorization to fund salaries from trust, revolving and special funds for which the General Assembly has established a budget. Sworn officers of the Department of Public Safety (DPS) who are not covered by a collective bargaining agreement are to receive the same meal allowance as those who are covered.

REPAYMENT OF ENDOWMENT FOR IOWA'S HEALTH ACCOUNT. Eliminates, for FY 2004-2005, a standing limited appropriation from the General Fund of the State to the Endowment for Iowa's Health Account of the Tobacco Settlement Trust Fund.

MILITARY PAY DIFFERENTIAL CARRYFORWARD. Provides that any unencumbered moneys remaining from the appropriation made in FY 2002-2003 for the Military Pay Differential Program and Health Insurance Retention Program are carried forward until the end of FY 2005-2006. This appropriation is used for paying state employees who are activated for duty in the armed forces of the United States the difference between their state pay and military pay and to continue state health coverage. Moneys not reverted may also be used for a home ownership assistance program for such individuals. This provision takes effect May 17, 2004.

REGENTS BONDING. Authorizes the State Board of Regents to issue bonds in the sum of \$120 million for a five-year building program at the regents universities. The division permits the board to exceed the limitation placed on the amount of bonds that may be issued under the division by an amount the board determines to be necessary to capitalize bond reserves, interest during construction, and issuance costs.

PRESCRIPTION DRUG COOPERATIVE. Makes an appropriation of \$10,000 to IDPH for the Bureau of Health Care Access to issue a grant to one free clinic to be used to establish a partnership and test program for a buying cooperative approach for purchasing prescription drugs by needy individuals.

CHARTER AGENCIES. Provides, in regard to charter agencies, that the Code provision which provides that one-half of any reversions will remain with the agency does not apply if the Act specifies a use for a potential reversion and that any limit on FTEs in the Act shall not apply to the agency.

LIFE SCIENCE ENTERPRISES. Allows a life science enterprise that produces a product derived from an animal by using biotechnological systems to acquire or hold agricultural land if it acquires that land prior to July 1, 2008. Prior law set the acquisition deadline at July 1, 2004.

IOWA EMPOWERMENT BOARD. Increases the voting membership of the Iowa Empowerment Board from 17 to 18 with the addition of the Director of IDED.

IOWA VETERANS HOME — MEDICAID ELIGIBILITY. Provides the requirement that a health care facility receiving reimbursement through the state Medicaid Program shall assist the Iowa Commission of Veterans Affairs in identifying a person's eligibility for benefits under the federal Department of Veterans Affairs does not apply to the admission of an individual to the Iowa Veterans Home.

MOBILE DENTAL SERVICES. Requires IDPH to establish a mobile dental delivery system to make available dental supplies, portable dental equipment, and transportation vans to provide and improve the oral health services of low-income persons who live in federal- or state-designated health professional shortage areas and have the least access to oral health services. The provision takes effect upon receipt of federal funding.

MINE RECLAMATION. Allows IDAL's Division of Soil Conservation to transfer the responsibility for the reclamation of a mine site to a private entity which intends to use the site for other purposes.

CONTAMINATED WATER. Authorizes DNR to require a public water supply that has a groundwater source that contains petroleum, a fraction of crude oil, or their degradation products, or is in an area likely to be contaminated by such materials,

to replace the groundwater source in order to receive a permit to operate, but only if the public water supply is fully compensated for any additional costs.

GOVERNMENT REINVENTION FUNDING. Carries forward for use during FY 2004-2005, for the same purposes, moneys appropriated for FY 2003-2004 to DOM for investment in reinvention initiatives to produce ongoing state savings. The provision takes effect May 17, 2004.

ELECTRONIC RECORDS — REGENTS EXCLUSION. Repeals H.F. 2490 (see Business, Banking, & Insurance), Section 8, which would have eliminated the requirement that with respect to the acceptance and distribution of electronic records by a government agency, a regents institution must conform with national standards as they are developed. The repeal takes effect May 17, 2004.

LOCAL GOVERNMENT INNOVATION. Authorizes the Local Government Innovation Fund Committee to use any of the \$1 million appropriated in FY 2003-2004 to the fund in the form of forgivable loans or grants. Prior law only allowed up to 20 percent to be so used.

INSTRUCTIONAL SUPPORT PROGRAM — ALLOWABLE GROWTH. Provides that, for FY 2004-2005, a school district will receive modified allowable growth from the School Budget Review Committee if the board of directors adopted a resolution by April 15, 2004, to increase participation in the Instructional Support Program and a petition was not filed or the question was submitted to and approved by the registered voters. The modified allowable growth equals the amount that would have been received under the Instructional Support Program except no state aid will be granted. The provision takes effect May 17, 2004.

TUITION GRANTS. Revises the definition of “accredited private institution” for purposes of eligibility for Iowa Tuition Grants awarded by the College Student Aid Commission. In addition to existing requirements, institutions must also be exempt from federal taxation and annually provide a matching aggregate amount of institutional financial aid equal to at least 75 percent of the amount received in a fiscal year by the institution’s students for Iowa Tuition Grant assistance. The match amount is to increase annually, commencing with July 1, 2005, by the percentage of increase each fiscal year of funds appropriated for Iowa Tuition Grants until the maximum match of 100 percent is reached. The exception relating to county hospitals that operate, control or administer a school of nursing is eliminated, but a new exception is added for specialized colleges that offer health professional programs which are affiliated with health care systems located in Iowa.

IOWA LEARNING TECHNOLOGY INITIATIVE. Creates an Iowa Learning Technology Initiative. However, the Governor item vetoed significant portions of the initiative.

TECHNICAL CHANGE. Repeals obsolete Code language that refers to a Meat Export Research Center and a Livestock Producers Assistance Program.

Division XI — Rebuild Iowa Infrastructure Fund (RIIF)

Division XI makes appropriations from RIIF, including funding for projects for the departments of Administrative Services, Blind, Corrections, Cultural Affairs, Economic Development, Education, Natural Resources, Public Defense, Public Safety, and Transportation, and for the State Board of Regents, Iowa State Fair Authority, National Program for Playground Safety, Treasurer of State, and the Commission of Veterans Affairs, and to the State Board of Regents for tuition replacement.

The division provides for extended reversion periods for, or for purposes of, previous appropriations made from RIIF.

Division XII — Environment First Fund

Division XII appropriates from the Environment First Fund to the departments of Agriculture and Land Stewardship, Economic Development, and Natural Resources. The division also appropriates \$11 million from the Environment First Fund to the Resources Enhancement and Protection Fund in lieu of the \$20 million appropriated by statute from the General Fund of the State.

The following is a list of acronyms used:

AEA - Area education agency
 CSRU - Child Support Recovery Unit
 DAS - Department of Administrative Services
 DEA - Department of Elder Affairs
 DHS - Department of Human Services
 DNR - Department of Natural Resources
 DOC - Department of Corrections

DOM - Department of Management
 DPS - Department of Public Safety
 FIP - Family Investment Program
 FTE - Full-time equivalent position
 IDALS - Iowa Department of Agriculture and Land Stewardship
 IDED - Iowa Department of Economic Development

IDOT - Iowa Department of Transportation
 IDPH - Iowa Department of Public Health
 IWD - Iowa Workforce Development
 MH/DD - Mental Health/Developmental Disabilities
 RIIF - Rebuild Iowa Infrastructure Fund
 TANF - Temporary Assistance for Needy Families

Division XIII — Tobacco Settlement Trust Fund

Division XIII makes appropriations and modifies prior appropriations from the Tax-Exempt Bond Proceeds Restricted Capital Funds Account of the Tobacco Settlement Trust Fund for projects for DAS.

The division also appropriates funds from the Tax-Exempt Bond Proceeds Restricted Capital Funds Account of the Tobacco Settlement Trust Fund to the State Board of Regents for tuition replacement and to the Office of the Treasurer of State for debt service for the Iowa Communications Network and repayment of prison infrastructure bonds.

The division also transfers moneys from the Endowment for Iowa's Health Account of the Tobacco Settlement Trust Fund to RIIF.

Division XIV — Miscellaneous Funds

Division XIV makes appropriations from the General Fund of the State to the Office of Secretary of State to draw down federal funds for the purchase and installation of voting machines under the federal Help America Vote Act, to IDOT for aviation projects and the Rail Assistance Program and to provide economic development project funding, and to the Racing and Gaming Commission to fund one additional gaming representative at the three licensed racetracks. The division makes appropriations from the Primary Road Fund and the Road Use Tax Fund to IDOT to pay for services provided by DAS.

Division XV — Code Changes

Division XV amends various Code sections to do the following:

- ? Authorize IDED to enter into an agreement with a person, including for-profit and nonprofit entities, in order to directly or indirectly apply for, receive, administer, and use federal funds, including federal tax credits, grants, or other economic benefits provided by the federal government.
- ? Exempt from the state sales and use taxes the lease or rental of certain building and construction machinery and equipment and specify that the sales of such items are not exempt when purchased for resale other than those purchased for lease or rental.

Division XVI — Miscellaneous Provisions

Division XVI amends various Code sections, enacts new Code sections, and provides miscellaneous provisions as follows:

- ? Establishes a Vertical Infrastructure Fund to be used for public infrastructure projects, including land acquisition, major renovation and repair of buildings, and site development, and appropriates \$15 million from RIIF to the fund for FY 2005-2006.
- ? Requires the entity requesting an Iowa Communications Network receiving site in a video classroom to be billed directly for operating costs related to the communication if the originator of the communication does not fund such costs.
- ? Directs IDED to defer payment of principal balance of the loan granted to an Iowa agricultural industry finance corporation until October 1, 2007. The interest on this loan is to be paid on October 1, 2010.
- ? Amends S.F. 2284 (see Local Government), relating to regional transit districts, to define transportation as the movement or carrying of individuals in a wheeled motorized vehicle or upon cars operated on stationary rails, and to change the population threshold for creation of regional transit districts from counties with a population in excess of 300,000 to counties with a population in excess of 175,000. The division also requires the amount of the regional transit district levy that is the responsibility of a participating county to be deducted from the maximum rate of taxes authorized to be levied by the county, if the district includes a county with a population of less than 300,000.
- ? Extends the allocation of workforce training and economic development funds for community colleges for the purposes of funding job retention projects by one year, to FY 2006-2007. The extension only applies if moneys allocated for that purpose for FY 2003-2004 are unobligated and unencumbered on June 30, 2004. The unobligated and unencumbered moneys are to be distributed to community colleges utilizing the same distribution formula used for the allocation of state general aid to the community colleges for FY 2004-2005. These provisions take effect May 17, 2004.
- ? Amends Code Section 306.46, as enacted by S.F. 2118 (see Energy & Public Utilities), to provide that the provision, relating to public utility facilities in a public road right-of-way, shall not impair or interfere with a city's authority to grant, amend, extend, or renew a franchise, and shall not impair or interfere with a city's existing general police powers to control the use of its right-of-way. The provision takes effect May 17, 2004.

- ? Requires IDOT to adopt rules relating to railroad employees' access to first aid and medical treatment when injured in the course of employment. A railroad corporation found guilty of a violation of the rules is subject to a \$100 penalty.
- ? Extends the time periods within which DAS must conduct a study of the impact of transferring all information technology-related state employees to the department and of physically merging the data centers of the department, IDOT, and IWD, and within which the department must report its findings and recommendations to the Legislative Services Agency and certain legislative standing committees.
- ? Changes the civil penalties enacted in H.F. 2476 (see Agriculture), relating to infected poultry, for owning or operating a restricted concentration point, owning or having custody of infected poultry at a restricted concentration point, or transporting infected poultry to or from a restricted concentration point from not less than \$5,000 for the first violation to \$5,000 for the first violation and from not less than \$25,000 for each subsequent violation to \$25,000 for each subsequent violation.
- ? Increases by \$10, from \$35 to \$45, the special initial fee for natural resources motor vehicle plates. The annual registration fee for these special plates is increased from \$10 to \$25. The additional fees are to be allocated to DNR's Wildlife Bureau to be used for nongame wildlife programs. These increases of plate and registration fees take effect January 1, 2005.
- ? Changes from June 30 to August 15 the due date for the remitting, on a prepayment basis, of insurance premiums tax by insurance companies and county and state mutual insurance associations. This change takes effect May 17, 2004.
- ? Changes the applicability date of S.F. 2257 (see Business, Banking & Insurance) from April 1, 2005, to October 1, 2004, as it relates to the use of credit information for personal insurance purposes.
- ? Changes the effective date from April 28, 2004, to July 1, 2004, for newly enacted Code Section 99B.10, subsection 5B, which requires that at a location with only a beer permit a security mechanism be attached to a registered electrical and mechanical amusement device to prevent its operation until the owner or owner's designee allows a person to operate such device.

Division XVII — Corrective Provisions

Division XVII provides technical, corrective amendments to legislation enacted in the 2004 Regular Legislative Session and to several Code provisions affected by legislation enacted in the 2004 Legislative Session.

Division XVIII — Community Attraction and Tourism Fund

Division XVIII amends the Community Attraction and Tourism Program and Fund. The division provides that a project with a total cost exceeding \$20 million may receive financial assistance under the program. For the fiscal period beginning July 1, 2004, and ending June 30, 2010, the division appropriates moneys from RIIF to the Community Attraction and Tourism Fund. For the fiscal period beginning July 1, 2005, and ending June 30, 2010, the division appropriates moneys from the franchise tax revenues deposited in the General Fund of the State to the Community Attraction and Tourism Fund.

Division XIX — Regulatory Efficiency Commission — VETOED BY THE GOVERNOR

Division XX — Wind Energy Tax Credits

Division XX provides a wind energy production tax credit to be used to offset a taxpayer's tax liability under the individual or corporate income tax, franchise tax, or insurance premiums tax. The credit is based upon the number of kilowatt-hours of electricity produced and sold by a qualified facility that uses wind energy to generate electricity. The credit amount is determined by multiplying those kilowatt-hours by 1 cent. However, the maximum amount of credit in a tax year is equal to 1 cent times 32 percent of the nameplate generating capacity of the qualified facility. Any unused amount of this maximum credit may be carried forward to increase next year's maximum amount. A qualified facility is one located in Iowa that was originally placed in operation between July 1, 2004, and June 30, 2007. The credit is nonrefundable. However, the credit may be transferred by the taxpayer to another taxpayer, or any credit not used by the taxpayer may be carried forward for up to seven years.

The following is a list of acronyms used:

AEA - Area education agency
 CSRU - Child Support Recovery Unit
 DAS - Department of Administrative Services
 DEA - Department of Elder Affairs
 DHS - Department of Human Services
 DNR - Department of Natural Resources
 DOC - Department of Corrections

DOM - Department of Management
 DPS - Department of Public Safety
 FIP - Family Investment Program
 FTE - Full-time equivalent position
 IDALS - Iowa Department of Agriculture and Land Stewardship
 IDED - Iowa Department of Economic Development

IDOT - Iowa Department of Transportation
 IDPH - Iowa Department of Public Health
 IWD - Iowa Workforce Development
 MH/DD - Mental Health/Developmental Disabilities
 RIIF - Rebuild Iowa Infrastructure Fund
 TANF - Temporary Assistance for Needy Families

To be eligible to receive the tax credit, the owner must receive approval by the board of supervisors of the county where the facility is located. If approval is granted, the owner may apply for the tax credit and any property taxes levied on the facility by all jurisdictions in which the facility is located are to be paid to the state for the next 12 years.

The division takes effect May 17, 2004, and applies starting with a tax year beginning on or after January 1, 2004. However, the tax credits cannot be used for a tax year beginning prior to July 1, 2005.

Division XXI — Licensed Interpreter for the Hearing Impaired

Division XXI provides for the licensing of interpreters for the hearing impaired. The division makes several conforming changes establishing that interpreting for the hearing impaired is a profession regulated by the general, health-related Code provisions; establishing penalty provisions applicable to the licensing of health-related professions; and establishing the Board of Interpreter for the Hearing Impaired Examiners.

The division creates new Code Chapter 154E governing the licensure of interpreters for the hearing impaired and includes definitions. The division provides that on or after July 1, 2005, every person providing interpreting or transliterating services shall be licensed, unless specified exemptions apply, and that a licensing examination shall be prescribed by the board, demonstrating proficiency at voice-to-sign interpretation, sign-to-voice interpretation, and professional conduct. The division prescribes duties for the Board of Interpreter for the Hearing Impaired Examiners, and provides transition provisions specifying that the provisional establishment of the board shall become effective July 1, 2004, for the sole purpose of appointment of members and organizing, planning, and adopting rules in advance of the July 1, 2005, interpreter licensure effective date. The transition provisions additionally specify that applicants for licensure who have not passed a licensure examination approved by the board by July 1, 2005, shall be issued a temporary license to practice interpreting for a two-year period, but must pass a licensure examination approved by the board on or before July 1, 2007, in order to remain licensed as an interpreter.

The division appropriates \$60,390 from the General Fund of the State to IDPH for FY 2004-2005 to protect the health and safety of the public through establishing standards and enforcing regulations relating to interpreters.

The division includes an effective date of July 1, 2005, for sections amending Code Chapters 147 and 272C and enacting Code Chapter 154E.

Division XXII — Income Tax Checkoffs

Division XXII makes changes relating to Iowa individual income tax checkoffs.

The division reenacts the Keep Iowa Beautiful Checkoff, which was scheduled to be removed from the Iowa individual income tax return form. Taxpayers filing individual income tax returns will be allowed to designate \$1 or more on the return to be paid to the Keep Iowa Beautiful Fund. The division requires the Department of Revenue to annually remit moneys collected from the checkoff to the fund created in the Office of the Treasurer of State. Moneys in the fund are subject to appropriation by the General Assembly annually to IDOT for the purpose of awarding financial assistance to an applicant who submits, along with its application, a plan for litter prevention, improving waste management and recycling efforts, or a beautification project. The checkoff is subject to the limitation on the number of checkoffs allowed on the Iowa individual income tax return and, for that reason, is subject to repeal.

The division also creates a Volunteer Fire Fighter Preparedness Checkoff. Moneys collected from the checkoff are to be credited to the Volunteer Fire Fighter Preparedness Fund under the control of the Division of Fire Protection of DPS. Moneys in the fund are appropriated to the Division of Fire Protection and are to be used to pay the costs of providing volunteer fire fighter training around the state and volunteer fire fighter training equipment. The checkoff is subject to the limitation on the number of checkoffs allowed on the Iowa individual income tax return and, for that reason, is subject to repeal.

The division amends Code Section 422.12E relating to the limitation on the number of checkoffs allowed on the Iowa individual income tax return to allow for four checkoffs on a return form for two years with two checkoffs being taken off at a time. When the same four income tax return checkoffs have been provided for two consecutive years, the two checkoffs receiving the lowest contributions are repealed automatically without further action by the General Assembly. If more checkoffs are enacted during a session of the General Assembly than space available on the income tax return form, the checkoffs first enacted will take the next available openings on the income tax return form and all other checkoffs enacted during that session are repealed. These provisions of the division take effect May 17, 2004.

The checkoffs created in the division apply retroactively to January 1, 2004, for tax years beginning on or after that date.

See S.F. 2112 for other changes to the Keep Iowa Beautiful Checkoff.

Division XXIII — State Tax Implementation Committee

Division XXIII repeals the section of 2003 Iowa Acts, Chapter 1, which created the Property Tax Implementation Committee. The division takes effect May 17, 2004.

Division XXIV — 911 Emergency

Division XXIV amends Code Chapter 34A to incorporate expanding E911 technology and wireless communications services. The division renames the E911 Administrator the E911 Program Manager to avoid confusion with the duties required of the Administrator of the Homeland Security and Emergency Management Division of the Department of Public Defense. The division deletes obsolete language contained in Code Chapter 34A. The division permits joint E911 service boards to request certain information each quarter from local exchange service providers.

The division increases the monthly wireless communications surcharge from 50 cents to 65 cents on each wireless number provided in Iowa, and establishes a priority quarterly distribution of funds collected by the wireless communications surcharge. Funds are first distributed to the administrator and program manager for administration costs and the costs of an annual audit; then to wireless carriers to recover costs related to E911 phase 1 services and to wire-line carriers for transport costs; and then distributed quarterly to wire-line carriers and third-party E911 automatic location information database providers. The program manager shall distribute funds toward outstanding obligations incurred under Code Chapter 34A prior to July 1, 2004, and to the joint E911 service boards and DPS. If funds remain after all distributions, the division designates the remaining funds as a carryover operating surplus to fund future wireless E911 phase 2 network and public safety answering point improvements and wireless carriers' transport costs. Wireless E911 phase 2 will permit wireless service providers to deliver the call-back number and the latitude and longitude coordinates of a wireless device making a 911 call to the appropriate public safety answering point.

The division requires the program manager to submit an annual report to the Government Oversight Committee, including an accounting of the revenues and expenses of the E911 program. The committee shall review the priorities of distribution of funds at least every two years. The division requires the program manager to submit quarterly reports to the Fiscal Services Division of the Legislative Services Agency. The division designates the Auditor of State as a nonvoting member of the E911 Communications Council.

Division XXV — Sex Offender Registry

Division XXV relates to release of Sex Offender Registry information. A provision is repealed that required the departments of Corrections, Human Services, and Public Safety, and juvenile court officers to perform a risk assessment for persons under the jurisdiction of one of the departments or juvenile court for purposes of disseminating information on the Sex Offender Registry. The division requires that Sex Offender Registry information be disseminated in the same manner for each offender. Current law provides that sex offender information be released in differing ways based upon the risk assessment score of the sex offender.

The division authorizes DPS to provide relevant sex offender information to a law enforcement agency, another state agency, the federal government, the single contact repository for employer access to criminal and dependent adult or child abuse records, and the general public via the department's Internet page, except that information relating to offenders under 20 years of age who commit statutory rape shall not be disclosed on the department's Internet page. The division further provides that a law enforcement agency may release sex offender information to another law enforcement agency, an agency of the state, another state's sex offender registry, the federal government, or the general public, including public and private agencies and neighborhood associations. Any member of the general public may request, in writing, Sex Offender Registry information from a local law enforcement agency. The county sheriff must provide a complete list of registered sex offenders in the county if requested by any person.

The following is a list of acronyms used:

AEA - Area education agency

CSRU - Child Support Recovery Unit

DAS - Department of Administrative Services

DEA - Department of Elder Affairs

DHS - Department of Human Services

DNR - Department of Natural Resources

DOC - Department of Corrections

DOM - Department of Management

DPS - Department of Public Safety

FIP - Family Investment Program

FTE - Full-time equivalent position

IDALS - Iowa Department of Agriculture and Land Stewardship

IDED - Iowa Department of Economic Development

IDOT - Iowa Department of Transportation

IDPH - Iowa Department of Public Health

IWD - Iowa Workforce Development

MH/DD - Mental Health/Developmental Disabilities

RIIF - Rebuild Iowa Infrastructure Fund

TANF - Temporary Assistance for Needy Families

The division provides that sex offender information which may be provided to the public shall include the name, address, photograph, locations frequented by the sex offender, and the relevant criminal history of the sex offender. Information provided to the public does not include the identity of any victim.

The division makes Sex Offender Registry records confidential records under Code Chapter 22, Examination of Public Records. The release of Sex Offender Registry records is governed by changes made to Code Section 692A.13 in the division.

The division applies retroactively to all sex offenders.

THE GOVERNOR ITEM VETOED THE FOLLOWING:

1. A requirement that DAS deposit at the end of FY 2004-2005 into the State General Fund the amount that was appropriated for start-up funding of the departmental revolving and internal service funds.
2. Language prohibiting the Alcoholic Beverages Division of the Department of Commerce from adding state employees to assume state liquor warehouse functions performed by a private contractor as of April 1, 2004, and requiring that the division conduct a competitive bid process to select a successor private contractor to perform this function.
3. A provision requiring IDED to demonstrate accountability by using performance measures appropriate to show the attainment of the goals for the state and by measuring the effectiveness and results of the department's programs and activities.
4. A provision requiring that small business development centers be located equally throughout the state.
5. Provisions requiring the University of Iowa, the University of Northern Iowa, and Iowa State University to emphasize that a business and an individual that create a business and receive benefits from a program funded, in part, through moneys appropriated in the Act have a commercially viable product or service.
6. A provision encouraging the Iowa Community College One Source Training Initiative to explore a partnership with Software and Information Technology of Iowa to identify methods of funding the training and retraining needs of the software and information technology sector in Iowa.
7. A requirement that IDED, IWD, and regents institutions file a written report on a quarterly basis with certain members of the General Assembly and the Legislative Services Agency regarding all allocations and expenditures of moneys appropriated and FTEs allocated.
8. A provision directing the Department of Education to work with the State Board of Regents and other postsecondary institutions with approved practitioner preparation programs to assess the feasibility of offering a teacher intern program to provide for nontraditional or alternative licensure for prospective practitioners.
9. A provision requiring the State Board of Regents, DOM, and the Legislative Services Agency to cooperate to determine and agree upon the amount of tuition replacement that needs to be appropriated for FY 2005-2006.
10. A provision stating the intent of the General Assembly that the University of Iowa continue progress on the School of Public Health and the Public Health Initiative; and providing that from the funds appropriated to the University of Iowa, up to \$2.1 million may be used for the School of Public Health and the Public Health Initiative.
11. A provision that prohibited the use of the appropriation for the University of Iowa's hospitals for performing abortions except medically necessary abortions.
12. A provision stating the intent of the General Assembly that Iowa State University continue progress on the Center for Excellence in Fundamental Plant Sciences; and providing that from the funds appropriated to Iowa State University, up to \$4.67 million may be used for the Center for Excellence in Fundamental Plant Sciences.
13. A provision stating the intent of the General Assembly that the University of Northern Iowa continue progress on the implementation of a Master's in Social Work degree program; and providing that from the funds appropriated to the University of Northern Iowa, the university may use up to \$450,000 for the program, up to \$100,000 for the Roadside Vegetation Project, and up to \$200,000 for the Iowa Office for Staff Development.
14. A provision delaying by one fiscal year the development and implementation of an evaluator training certification renewal program by the Department of Education.
15. A requirement that IDPH report to the Governor and General Assembly regarding the number of religious and other nongovernmental organizations that applied for and received or were denied funds appropriated for addictive disorders.
16. A requirement that IDPH submit a report of the results of the directive to identify federal funding received for the AIDS Drug Assistance Program to specified persons.
17. A directive to the Director of Public Health to employ a division administrator for the Division of Tobacco Use Prevention and Control.
18. A provision that appropriates moneys previously deposited in the Iowa Marriage Initiative Grant Fund to DHS to fund an Iowa Fatherhood and Family Initiative Grant Program.

19. A requirement directing DHS to submit a report of its findings to the General Assembly by December 15, 2004, on utilization of the federal Food Stamp Program.
20. A definition of "medically necessary abortions" for which Medicaid Program moneys may be used.
21. A provision requesting DHS to convene a group to review programs and services of the Iowa Juvenile Home.
22. A provision directing DHS to develop a plan for privatizing the administration of the foster care and adoption programs.
23. A provision that carryover of moneys appropriated for FY 2003-2004 for the Medicaid Program from the General Fund, the Senior Living Trust Fund, the Hospital Trust Fund, and Healthy Iowans Tobacco Trust remain unencumbered. The provision includes language that allows DHS to use up to \$2.3 million of the carryover amount to draw down the maximum amount of disproportionate share hospital reimbursement, and provides that any amounts received be distributed in accordance with the regular Disproportionate Share Hospital Program payment provisions.
24. A provision to designate as the central office for faith-based and community-based initiatives a statewide, nonprofit agency that receives a subgrant to assist faith-based and community-based organizations to develop coalitions and partnerships.
25. A provision directing DHS to establish a Medical Assistance Mental Health Quality of Care Improvement Committee through FY 2006-2007. The committee was to advise DHS on clinical treatment algorithms for schizophrenia, major depressive disorders, and bipolar disorders and on a mental health polypharmacy review process.
26. An appropriation from the Senior Living Trust Fund to the Insurance Division of the Department of Commerce for administration of the Long-Term Care Insurance Partnership Program.
27. A provision that grants immunity to a governmental or nonprofit entity that uses inmate labor to restore or preserve rural cemeteries or landmarks.
28. A provision requiring DNR to grant an owner of a parcel of land road access to a public road under certain circumstances.
29. Language changing the poverty threshold at which a person is entitled to a court-appointed attorney from at or below 125 percent to at or below 100 percent of federal revised poverty income guidelines.
30. A provision that transfers moneys credited during FY 2004-2005 to the depreciation fund maintained by DAS for purposes of the State Motor Pool, up to \$475,000, to the Vehicle Depreciation Account to be used by the Iowa State Patrol.
31. A requirement that the State Board of Education adopt rules directing school districts and AEAs to submit annually data regarding salaries and benefits of administrators from the most recent contract settlement increases for salaries and group health insurance plans provided under collective bargaining agreements.
32. An extension and expansion of a Department of Education reporting requirement relating to K-3 class size reduction data.
33. A requirement that the board of directors of each school district annually review school district expenditures and identify and examine potential cost savings that can be achieved in the delivery of administrative services and other costs involved in the operation of the district and reported to the Department of Education.
34. The establishment of an exemption from the sanitary landfill tonnage fee for nonmetallic material shredded by an industrial shredder and known as shredder fluff.
35. Language providing for a refund of registration fees, penalties, and interest paid by a person who failed to register a commercial vehicle because the person sold the commercial vehicle but did not submit the registration plate and registration receipt to IDOT.
36. Language establishing a permanent requirement that if an FTE position budgeted for within an appropriation from the General Fund of the State is vacant for any portion of the fiscal year, the amount of salary and benefits associated with the time of vacancy shall be considered encumbered for that time period, shall not be spent for any other purposes, and shall be reverted.
37. Language providing that for computation purposes under the state Workers' Compensation Law, when a school district employee is paid pursuant to a contract for a different period of time than that during which the employee works, the employee's weekly earnings are to be based on the period of time for which the earnings are paid rather than the period during which the services are performed.

The following is a list of acronyms used:

AEA - Area education agency
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 DNR - Department of Natural Resources
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IDOT - Iowa Department of Transportation
 IDPH - Iowa Department of Public Health
 IWD - Iowa Workforce Development
 MH/DD - Mental Health/Developmental Disabilities
 RIIF - Rebuild Iowa Infrastructure Fund
 TANF - Temporary Assistance for Needy Families

38. A provision that requires the State Board of Regents to report on the policies of its institutions for addressing the budget ramifications associated with unfilled vacant positions, or, if a policy does not exist, to establish one.
39. The creation of an 18-member Iowa Learning Technology Commission and an Iowa Learning Technology Fund to establish a four-year learning technology pilot program and public-private partnership to provide a wireless laptop computer to each student, teacher, and relevant administrator in a participating school and implement the use of software, on-line courses, and other appropriate learning technologies that have been shown to improve academic achievement and specified progress measures. The Governor's item veto message designated Section 242, subsections 2 through 4, and Sections 243 through 246 of the Act in their entirety as being disapproved. However, the enrolled copy of the Act, which is marked up by the Governor and returned to the General Assembly, was not marked to indicate disapproval of Sections 246 through 246.
40. The appropriation from RIF to DAS for capitol interior restoration.
41. The appropriation from RIF to DHS for providing grants to aid in construction of a residential treatment facility for youths in a county of approximately 80,000 people.
42. A provision that the maximum appropriation for FY 2004-2005 from RIF to the Secure an Advanced Vision for Education Fund is \$8.16 million in lieu of the \$10 million provided in Code Section 8.57, subsection 5.
43. A provision requiring DAS to consult with leaders of the General Assembly prior to planning or implementing any capitol interior restoration project.
44. A requirement that at least 80 percent of federal moneys drawn down under the federal Help America Vote Act be distributed to counties for implementation of the federal Act.
45. A provision transferring surplus moneys of the Iowa Finance Authority to the Housing Trust Fund for FY 2004-2005.
46. A provision designating DPS as being solely responsible for certain executive branch capitol complex security system and equipment activities and directing DAS to cooperate with DPS in its execution of such activities.
47. A standing appropriation from RIF to the newly created Vertical Infrastructure Fund beginning with FY 2006-2007.
48. Language providing that if building space at the Mental Health Institute at Cherokee being used by an outside organization is going to be vacated, DHS must reserve the space. The language also directed the department to develop a plan for using vacant building space at Cherokee for a program to address the treatment needs of persons with a developmental disability who exhibit sexually violent behavior and are residents at state resource centers or other residential settings.
49. Language granting authority to a county board of supervisors to enter into agreements with IDOT for the disposition of county property in the same manner as it is authorized to dispose of the county's interest in real property.
50. Language that would have established a Regulatory Efficiency Commission for purposes of identifying unneeded regulations, fines and fees that hinder business development and would have identified methods for streamlining access to regulatory information. The commission would have reported to the Governor and General Assembly in January 2005.
51. Sections that create and repeal the State Tax Implementation Committee. Membership on the committee would have included members of the General Assembly and persons representing various state and local government entities and taxpayers. The committee was charged with reviewing and analyzing revenue sources of state and local government, various tax reductions in state and local taxes allowed taxpayers, services provided by local governments, the role of property taxes in funding local government services, and alternative systems of property taxation. The committee was to submit a final report to the General Assembly by final adjournment of the 2005 Regular Legislative Session. The report was to summarize the committee's activities and analyze issues studied and include other information deemed relevant and necessary. Also vetoed was the appropriation of \$50,000 for purposes of the committee.

SENATE FILE 2311 - Workforce and Economic Development Appropriations and Related Changes — EXTRAORDINARY SESSION

BY COMMITTEE ON APPROPRIATIONS.

Division I - Economic Development Related Appropriations.

Division I of this Act validates contracts entered into, and projects and activities approved by, the Department of Economic Development (IDED) or the Grow Iowa Values Board in reliance on the validity of the law implementing the Grow Iowa Values Fund, which was subsequently declared invalid by the Iowa Supreme Court in the decision of *Rants and Iverson v. Vilsack*.

This division makes appropriations of federal funding received by the state under the federal Jobs and Growth Tax Relief Reconciliation Act of 2003. Appropriations are made for FY 2004-2005 to IDED for the following purposes: marketing strategies, financial assistance and incentives to businesses, financial assistance for institutions under the control of the State

Board of Regents and accredited private institutions, workforce training and economic development funds of the community colleges, Endow Iowa grants and tax credits, targeted state parks and destination parks; and for deposit in the Loan and Credit Guarantee Fund and the Cash Reserve Fund. The appropriations remaining unobligated or unexpended do not revert at the close of the fiscal year but remain available for the succeeding fiscal year.

The Act also validates action by the State Appeal Board that approved payment of claims against the state for moneys appropriated from the Grow Iowa Values Fund and obligated prior to the Iowa Supreme Court decision of *Rants and Iverson v. Vilsack*.

The division of the 2003 session law invalidated by the Iowa Supreme Court decision containing the Grow Iowa Values Fund appropriations is repealed.

The division is retroactively applicable to July 1, 2003.

Division II - Workforce Development Field Offices

Division II of this Act appropriates State General Fund moneys for the fiscal period beginning July 1, 2004, and ending June 30, 2007, for Department of Workforce Development field offices. These offices were to be funded by administrative contribution surcharges to be collected in the 2004, 2005 and 2006 calendar years. The Iowa Supreme Court decision making H.F. 692 invalid also made the surcharges for those three calendar years invalid.

Division III - Workforce Training and Economic Development Funds

Division III of this Act amends Code Section 260C.18A, which establishes the workforce training and economic development funds of community colleges, to strike references to the Grow Iowa Values Fund and the multiyear appropriations made from it. The division applies retroactively to June 30, 2004.

The Act takes effect September 7, 2004.

HOUSE FILE 2039 - State Budget Adjustments — Cash Reserve and Senior Living Trust Funds

BY COMMITTEE ON APPROPRIATIONS. This Act provides for a transfer from the Cash Reserve Fund to the General Fund of the State for FY 2002-2003 and includes a new standing appropriation of a portion of the surplus in the ending balance of the General Fund of the State to repay moneys appropriated from the Senior Living Trust Fund.

A shortfall occurred in the ending balance of the General Fund of the State for FY 2002-2003 due to an unanticipated reduction in revenues that are accrued for the fiscal year but are received after June 30. The Act transfers approximately \$45.8 million from the Cash Reserve Fund to address the shortfall. Statutory provisions that would otherwise prohibit the transfer, require a supermajority vote, and apply other requirements are made inapplicable. The transfer provision takes effect February 12, 2004, and is retroactive to June 30, 2003.

The Act revises how a surplus in the ending balance of the General Fund of the State is distributed. Under prior law, the ending balance of the surplus was distributed in the following order: to be credited to the Cash Reserve Fund until the fund reaches its maximum balance, to address any items necessary under generally accepted accounting principles, to be credited to the Iowa Economic Emergency Fund until the fund reaches its maximum balance, to repay the Senior Living Trust Fund, and back to the General Fund of the State. The Act provides that before any of these distributions are made, up to a certain amount is appropriated to the Senior Living Trust Fund. The Senior Living Trust Fund appropriations begin at the conclusion of FY 2005-2006 and continue annually until the aggregate of \$118 million is credited to that fund.

Because existing law already provides for repayment of the Senior Living Trust Fund once the Iowa Economic Emergency Fund reaches its maximum balance, coordinating language is included so that the repayment is not duplicated.

The following is a list of acronyms used:

AEA - Area education agency
 CSRU - Child Support Recovery Unit
 DAS - Department of Administrative Services
 DEA - Department of Elder Affairs
 DHS - Department of Human Services
 DNR - Department of Natural Resources
 DOC - Department of Corrections

DOM - Department of Management
 DPS - Department of Public Safety
 FIP - Family Investment Program
 FTE - Full-time equivalent position
 IDALS - Iowa Department of Agriculture and Land Stewardship
 IDED - Iowa Department of Economic Development

IDOT - Iowa Department of Transportation
 IDPH - Iowa Department of Public Health
 IWD - Iowa Workforce Development
 MH/DD - Mental Health/Developmental Disabilities
 RIIF - Rebuild Iowa Infrastructure Fund
 TANF - Temporary Assistance for Needy Families

THE GOVERNOR ITEM VETOED THE FOLLOWING:

A change in the State General Fund Expenditure Limitation Law that would have been first applicable to FY 2005-2006. Current law provides the limitation is 99 percent of the adjusted revenue estimate for a fiscal year. The change would have set the limitation at 98 percent of the adjusted revenue estimate.

HOUSE FILE 2402 - Interdepartmental Appropriation Transfers — VETOED BY THE GOVERNOR

BY COMMITTEE ON STATE GOVERNMENT. This bill would have revised the authority of the Director of the Department of Management to make interdepartmental transfers of appropriations.

Under current law, the director, with the approval of the Governor, can make such transfers provided certain reports are made to certain legislative committees and members. If the General Assembly is in regular session, current law only allows interdepartmental transfers to entitlement appropriations, defined as those made for indigent defense and certain Department of Human Services programs. In addition, current law does not allow the sum of transfers to an appropriation which is not an entitlement appropriation to exceed 50 percent of the amount of the appropriation.

The bill would have applied a new restriction limiting the total amount transferred in a fiscal year to an appropriation to \$1 million, unless the transfer was made during the final 30 days of the fiscal year or unless the Legislative Council approved a resolution concurring with the proposed transfer requested by the director. The director would have been required to include with the request for a resolution the reasons for the transfer and other information required under current law. The resolution required approval by a majority of the membership of the Legislative Council and the transfer could not be made prior to the date of the resolution's approval. However, if the Legislative Council did not act within 30 calendar days of receiving the request to approve or reject a resolution concurring with the proposed transfer, the transfer would have been considered to be approved.

Under current law, the chairpersons of the appropriations committees and the appropriations subcommittees are to be notified current to an intradepartmental or interdepartmental transfer and have two weeks to review and comment on the transfer. Under the bill, the two-week period would have only applied to intradepartmental transfers.

HOUSE FILE 2538 - Cash Reserve, Infrastructure, and Environment First Funds — Transfers

BY COMMITTEE ON APPROPRIATIONS. This Act makes a transfer of \$17.5 million from the Cash Reserve Fund to the Rebuild Iowa Infrastructure Fund (RIIF) for FY 2003-2004. The transferred moneys are to be used for the standing appropriation from RIIF to the Environment First Fund. The transfer is exempted from provisions in Code Section 8.56 which otherwise prohibit transfers from the Cash Reserve Fund or use of the moneys in the Cash Reserve Fund by means other than an appropriation.

The Act includes a contingent provision so that if a tax on the adjusted gross receipts from gambling games conducted at racetrack enclosures is enacted, which is applicable to FY 2002-2003 and FY 2003-2004, and the proceeds are credited to RIIF, the amount transferred from the Cash Reserve Fund is replaced with those receipts.

The Act takes effect April 2, 2004.

HOUSE FILE 2577 - Healthy Iowans Tobacco Trust and Tobacco Settlement Trust Fund — Appropriations — Miscellaneous Provisions

BY COMMITTEE ON APPROPRIATIONS. This Act relates to and makes appropriations from the Healthy Iowans Tobacco Trust.

The Act makes appropriations involving the Medical Assistance (Medicaid) Program to the Department of Human Services for FY 2004-2005 for reimbursement of or cost-of-living adjustments for certain service providers.

The Act also provides appropriations for supplementation of the appropriation for the state children's health insurance program known as hawk-i and of the Medicaid Program, for coverage under the Medicaid Program to certain women who require treatment for breast and cervical cancer, and for general administration of health-related programs.

The Act appropriates funds to the Iowa Department of Public Health (IDPH) for the Tobacco Use Prevention and Control Program, for provision of smoking cessation and smoking-related diseases products, and for additional substance abuse treatment.

The Act appropriates funds to IDPH for development of a Healthy Iowans 2010 Plan for core public health functions, for implementation and support of a coordinated system of delivery of trauma and emergency medical services, for the Poison

Control Center, for development of scientific and medical expertise in environmental epidemiology, and for the Childhood Lead Poisoning Prevention Program.

The Act appropriates moneys to IDPH for the Automatic External Defibrillator Grant Program and for the Center for Congenital and Inherited Disorders.

The Act appropriates funds to the Department of Corrections for day programming, the Drug Court Program, and a value-based treatment program at the Newton Correctional Facility.

The Act directs the Department for the Blind to plan, establish, administer, and promote a statewide program to provide audio news and information services to blind or visually impaired persons residing in this state, and appropriates moneys to the department for the program.

The Act appropriates funds to the Property Tax Relief Fund for FY 2004-2005, for assistance to counties with limited county mental health, mental retardation, and developmental disabilities (MH/MR/DD) services fund balances to continue reimbursement increases to service providers in the same amount as provided in FY 2000-2001.

The Act appropriates funds to the Iowa Empowerment Fund for FY 2004-2005 for deposit in the School Ready Children Grants Account and to the Department of Corrections for operation and staffing of the special needs unit at the Fort Madison correctional facility.

The Act also transfers an additional \$6,316,077 from the Endowment for Iowa's Health Account of the Tobacco Settlement Trust Fund created in Code Section 12E.12 to the Healthy Iowans Tobacco Trust created in Code Section 12.65 for FY 2004-2005.

The Act makes changes in the administration of the Tobacco Use Prevention and Control Program.

The Act provides for payment of actual expenses of licensing board members in the performance of their duties on a licensee review committee.

The Act specifies requirements for selection of the High School Mentor Program grantee to reduce the use of illegal substances, and provides for nonreversion of FY 2003-2004 moneys appropriated for this purpose. This provision takes effect May 17, 2004.

THE GOVERNOR ITEM VETOED THE FOLLOWING:

Language that authorized use of a portion of the value-based treatment program funds for a similar program at the Iowa Correctional Institution for Women at Mitchellville.

The following is a list of acronyms used:

AEA - Area education agency
 CSRU - Child Support Recovery Unit
 DAS - Department of Administrative Services
 DEA - Department of Elder Affairs
 DHS - Department of Human Services
 DNR - Department of Natural Resources
 DOC - Department of Corrections

DOM - Department of Management
 DPS - Department of Public Safety
 FIP - Family Investment Program
 FTE - Full-time equivalent position
 IDALS - Iowa Department of Agriculture and Land Stewardship
 IDED - Iowa Department of Economic Development

IDOT - Iowa Department of Transportation
 IDPH - Iowa Department of Public Health
 IWD - Iowa Workforce Development
 MH/DD - Mental Health/Developmental Disabilities
 RIIF - Rebuild Iowa Infrastructure Fund
 TANF - Temporary Assistance for Needy Families

BUSINESS, BANKING AND INSURANCE

- SENATE FILE 2119 - Bank Collateral Pledged to Secure Public Funds Deposits
- SENATE FILE 2183 - Long-Term Care Asset Disregard Incentive Program — VETOED BY THE GOVERNOR
- SENATE FILE 2189 - Real Estate Commission Enforcement Authority
- SENATE FILE 2253 - Motor Vehicle Ownership Transfers — Damage Disclosure Requirements
- SENATE FILE 2257 - Use of Credit Information — Personal Insurance
- SENATE FILE 2274 - Revised Iowa Nonprofit Corporation Act
- HOUSE FILE 2230 - Safe Deposit Box Access by Trustees
- HOUSE FILE 2269 - Regulation of Business Entities
- HOUSE FILE 2270 - Cooperative Associations and Retention of Abandoned Property — Notice Requirements
- HOUSE FILE 2306 - Electronic Gift Cards — Fees for Delayed Redemption
- HOUSE FILE 2347 - Uniform Limited Partnership Act
- HOUSE FILE 2373 - Regulation of Real Estate Auctions and Auctioneers
- HOUSE FILE 2484 - Regulation of Financial Institutions and Real Property Transactions
- HOUSE FILE 2489 - Regulation of Insurance and Cemetery and Funeral Merchandise and Services
- HOUSE FILE 2490 - Uniform Electronic Transactions Act — Miscellaneous Changes
- HOUSE FILE 2505 - Sale of Alcoholic Beverages, Wine, or Beer on Credit — Convention, Civic, or Events Centers
- HOUSE FILE 2554 - Prescription Drug Assistance Program — VETOED BY THE GOVERNOR
- HOUSE FILE 2557 - Securities Regulation
- HOUSE FILE 2568 - Health Insurance — Miscellaneous Changes

RELATED LEGISLATION

- SENATE FILE 2070 - Motor Vehicle Regulations and State Transportation Department Duties and Activities
SEE TRANSPORTATION. This Act amends current law relating to the perfection, recording and release of security interests in motor vehicles, and includes modifications to allow for the use of electronic transactions.
- SENATE FILE 2173 - Private Sector Employee Drug Testing
SEE LABOR & EMPLOYMENT. This Act concerns private sector drug testing, primarily relating to authorized testing samples, confirmed positive test result requirements, and oral fluid testing procedures. The Act takes effect April 16, 2004.
- SENATE FILE 2209 - Immunizations — Mercury Content — Reimbursement
SEE HEALTH & SAFETY. This Act prohibits early childhood immunizations administered in Iowa beginning January 1, 2006, with some exceptions, from containing more than trace amounts of mercury. The Act also requires third-party payment provider contracts or policies delivered, issued for delivery, continued, or renewed in Iowa on or after January 1, 2006, to provide reimbursement for immunizations containing no more than trace amounts of mercury at the acquisition cost rate.
- SENATE FILE 2290 - Economic Development Incentives — New Jobs and Income, New Capital Investment, and Enterprise Zone Programs
SEE ECONOMIC DEVELOPMENT. This Act relates to economic development incentives under the New Jobs and Income Program, the New Capital Investment Program, and the Enterprise Zone Program. The Act takes effect March 17, 2004.
- SENATE FILE 2296 - Administration of Tax Policy and Related Internal Revenue Code Revisions
SEE TAXATION. This Act amends various provisions of state tax laws by updating references to the federal research activities credit, excluding trade discounts from gross receipts for sales and

use tax purposes, expanding the exemption from sales and use taxes for molding and sand handling equipment, and placing restrictions on cigarette samples given to the public.

SENATE FILE 2298

- Government Funding, Administration, and Regulation — Appropriations and Miscellaneous Changes

SEE APPROPRIATIONS. Division XV of this Act exempts from the state sales and use taxes the lease or rental of certain building and construction machinery and equipment and specifies that the sales of such items are not exempt when purchased for resale other than those purchased for lease or rental.

Division XVI extends the due date for the prepayment of insurance premiums taxes, changes the effective date for the newly enacted provision requiring an owner-operated mechanism to prevent the operation of electrical and mechanical amusement devices at locations with only a beer permit, and changes the applicability date of a newly enacted Code section relating to the use of credit information for personal insurance purposes.

Division XX provides a wind energy production tax credit based upon the amount of electricity sold which is produced by an electrical production facility that uses wind to produce the electricity. The tax credit may be used to offset the tax liability under the individual or corporate income tax, franchise tax, or insurance premiums tax.

HOUSE FILE 2170

- Product Liability Actions

SEE CIVIL LAW, PROCEDURE & COURT ADMINISTRATION. This Act relates to product liability actions.

HOUSE FILE 2207

- Substantive Code Corrections

SEE STATE GOVERNMENT. This Act contains statutory corrections that adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities. Changes made include changes relating to insurance producers; the Money Services Act; agricultural products under the Life Science Products Code chapter; obsolete references concerning the Microenterprise Development Revolving Fund, the Iowa Technology Center, and a job training program study; public utilities; regulation of various business entities; health maintenance organization annual reports; the plan to assure fair access to insurance requirements; forcible entry and detainer actions; and repeals of certain economic development initiatives established in 2003. The changes to the future repeals of certain economic development initiatives take effect April 26, 2004.

HOUSE FILE 2262

- Public Employee Retirement Systems and Other Benefits — Miscellaneous Changes

SEE STATE GOVERNMENT. This Act authorizes a payroll deduction by state employees to purchase additional insurance coverage. The Act specifies that at least 500 state employees request the deduction and provides that the insurance coverage purchased not be otherwise provided by the state.

HOUSE FILE 2553

- Iowa Educational Savings Plan Trust Revisions

SEE TAXATION. This Act makes several technical and substantive changes regarding operation of the Iowa Educational Savings Plan Trust pursuant to Code Chapter 12D. The Act takes effect April 15, 2004.

HOUSE FILE 2561

- Job Corps Center New Jobs Tax Credit — VETOED BY THE GOVERNOR

SEE ECONOMIC DEVELOPMENT. This bill would have created a Job Corps Center New Jobs Tax Credit to be used against personal or corporate income tax liability.

HOUSE FILE 2581

- Miscellaneous Economic Development, Taxation, Regulatory, and Employment-Related Changes — EXTRAORDINARY SESSION

SEE ECONOMIC DEVELOPMENT. Division V of the Act reaffirms and reenacts requirements involving the delinquency charges collectible relative to certain consumer credit transactions and authority to contract for debt payment under credit transactions other than consumer credit transactions. Division IX of the Act makes additions to the individual and corporate income taxes to couple with the changes made in federal legislation that increases the allowance for expensing certain depreciable assets and that allows a federal bonus depreciation of 50 percent for property

acquired after May 5, 2003, and before January 1, 2005. The coupling with the increase in expensing allowance is retroactively applicable to tax years beginning on or after January 1, 2003. The coupling with the 50 percent bonus depreciation applies retroactively to tax years ending after May 5, 2003. The Act takes effect September 7, 2004.

BUSINESS, BANKING AND INSURANCE

SENATE FILE 2119 - Bank Collateral Pledged to Secure Public Funds Deposits

BY COMMITTEE ON COMMERCE. This Act amends provisions in Code Chapter 12C, which, in part, require that financial institutions, and in particular banks, pledge certain types and amounts of collateral with the Treasurer of State in order to secure the deposit of public moneys.

As part of its rulemaking duties under the chapter, the Treasurer of State must establish procedures which allow a bank to substitute different collateral for the collateral that was originally pledged. The Act also requires the Treasurer of State to adopt rules that establish procedures to allow a bank to add or release pledged collateral.

If the assets of the closed bank are insufficient to cover losses incurred by public funds depositors, payments must be made from the State Sinking Fund for public deposits in banks as created in Code Section 12C.25. If that fund is inadequate to compensate public funds depositors, the Treasurer of State must make an assessment against other banks whose public funds deposits exceed federal deposit insurance coverage. The Act eliminates a requirement that a security interest in the collateral is granted as security for the obligation of a bank to pay the amount of that assessment.

The Act takes effect April 16, 2004.

SENATE FILE 2183 - Long-Term Care Asset Disregard Incentive Program — VETOED BY THE GOVERNOR

BY COMMITTEE ON COMMERCE. This bill would have established an Iowa Long-Term Care Asset Disregard Incentive Program administered by the Department of Human Services and the Insurance Division of the Department of Commerce.

SENATE FILE 2189 - Real Estate Commission Enforcement Authority

BY COMMITTEE ON COMMERCE. This Act confers additional enforcement authority upon the Real Estate Commission. The Act provides that if an investigation conducted by the commission reveals that an unlicensed person has assumed to act in the capacity of a real estate broker or real estate salesperson, other than a person whose actions are exempt pursuant to Code Chapter 543B, Real Estate Brokers and Salespersons, the commission may issue a cease and desist order, and may impose a civil penalty of up to the greater of \$10,000 or 10 percent of the real estate sale price.

The Act also provides that an injunction may be granted through an action in district court to prohibit a person from engaging in an activity which violates the provisions of Code Section 543B.1, which provide that a person shall not, directly or indirectly, with the intention or upon the promise of receiving any valuable consideration, offer, attempt, agree to perform, or perform any single act as a real estate broker whether as a part of a transaction or as an entire transaction, or represent oneself as a real estate broker, broker associate, or salesperson, without first obtaining a license and otherwise complying with the requirements of Code Chapter 543B. The action for injunctive relief may be brought by an affected person, which the Act defines to mean any person directly impacted by the actions of a person suspected of violating the provisions of Code Section 543B.1, including but not limited to the Real Estate Commission, a person who has utilized the services of a person suspected of violating the provisions of the Code section, or a private association composed primarily of members practicing a profession for which licensure pursuant to Code Chapter 543B is required.

If successful in obtaining injunctive relief, the affected person shall be entitled to actual costs and attorney fees, unless the person suspected of the violation prevails in an application for permanent injunctive relief. The Act defines "actual costs" as those costs other than attorney fees which were actually incurred in connection with the violation, including but not limited to court and witness fees, investigative expenses, travel expenses, legal research expenses, and other related fees and expenses.

SENATE FILE 2253 - Motor Vehicle Ownership Transfers — Damage Disclosure Requirements

BY COMMITTEE ON TRANSPORTATION. This Act revises damage disclosure requirements for the transfer of ownership of a motor vehicle. The Act requires that a transferor must disclose if the vehicle was damaged to the extent that it was a wrecked or salvage vehicle, which is defined as damage for which the retail cost of repair exceeds 50 percent of the fair market value of the vehicle before it was damaged. The current standard for damage disclosure is damage resulting from a single accident for which the cost of repair was \$6,000 or more. The current requirement that a damage disclosure statement indicate whether the transferor knows if the vehicle was ever titled as a salvage or flood vehicle is amended to include rebuilt titles. Similar disclosure requirements apply to nonresident transferors and lessees, as appropriate.

The Act provides that vehicles more than seven model years old, rather than nine model years under current law, are exempt from damage disclosure requirements other than airbag disclosure requirements.

The Act makes a corrective amendment to specify that disclosure requirements relating to nonoperative or missing airbags and associated penalties apply for all motor vehicles.

SENATE FILE 2257 - Use of Credit Information — Personal Insurance

BY COMMITTEE ON COMMERCE. This Act, which is based on model legislation, relates to the use of credit information for the purpose of underwriting or rating risks for a policy of personal insurance. The Act applies to personal insurance that is individually underwritten for personal, family, farm, or household use, and is limited to private passenger automobile, homeowners, farm owners, personal farm liability, motorcycle, mobile home owners, noncommercial dwelling fire insurance, boat, personal watercraft, snowmobile, and recreational vehicle policies.

The Act defines “credit information,” “credit report,” “insurance score,” and related terms for purposes of the Act.

The Act prohibits an insurer that uses credit information from using an insurance score that is calculated based on the income, gender, address, zip code, ethnic group, religion, marital status, race, or nationality of a consumer. The Act also prohibits an insurer from denying issuance, canceling, refusing to renew, basing renewal rates, or taking any other adverse action against a consumer solely on the basis of credit information; from considering a consumer’s lack of credit information or the inability to calculate an insurance score unless such consideration is treated as neutral credit information or credit information is not used as an underwriting factor; from using credit information that is not current or has not been updated as required by the Act; and from calculating an insurance score by considering certain information as a negative credit factor such as credit inquiries not initiated by the consumer or initiated by the consumer for personal use, inquiries relating to insurance coverage, collection accounts for medical services, and multiple inquiries by lenders relating to a home mortgage or automobile loan that are made within 30 days of one another.

The Act provides for dispute resolution in accordance with the federal Fair Credit Reporting Act and correction of errors resulting from incorrect or incomplete credit information.

The Act requires insurers to do the following:

- ? Disclose to and notify consumers that the insurer may obtain credit information of the consumer in connection with an application for insurance.
- ? Notify consumers of adverse action taken, in accordance with the requirements of the federal Fair Credit Reporting Act, by giving clear and specific reasons that include a description of up to four factors that were the primary influence for the adverse action taken.
- ? File certain credit scoring information with the Insurance Commissioner, if the insurer uses credit information in underwriting or rating a consumer. Such information filed is considered confidential and is protected as a trade secret under Code Section 22.7.
- ? Indemnify, defend, and hold harmless agents and producers of the insurer for any liability, fees and costs that arise out of the use of credit information or insurance scores on behalf of the insurer, so long as such use is done in compliance with the instructions or procedures of the insurer and with any applicable law or regulation.

The Act prohibits a consumer reporting agency from providing or selling information obtained or submitted in conjunction with an insurance inquiry about the credit information, credit report, or insurance score of a consumer. The provisions of the Act are severable if any of them are later declared invalid.

The Act takes effect July 1, 2004, and applies to insurance contracts or policies delivered, issued for delivery, continued, or renewed in this state on or after April 1, 2005. Division XVI of S.F. 2298 (see Appropriations) changes the applicability date from April 1, 2005, to October 1, 2004, as it relates to the use of credit information for personal insurance purposes.

SENATE FILE 2274 - Revised Iowa Nonprofit Corporation Act

BY COMMITTEE ON JUDICIARY. This Act repeals Code Sections 504A.1 through 504A.102, relating to nonprofit corporations, and replaces them with the Revised Model Nonprofit Corporation Act in Code Chapter 504.

GENERAL PROVISIONS. Subchapter I provides for filing requirements, forms furnished by the Secretary of State, filing, service, and copying fees, effective dates and correction of filed documents, evidentiary effect of copies, certificates of existence, penalties for signing a false document, powers and duties of the Secretary of State, notice requirements, and judicial relief.

ORGANIZATION. Subchapter II provides for incorporation and organization of nonprofit corporations.

PURPOSES AND POWERS. Subchapter III provides for general and emergency powers of nonprofit corporations and ultra vires.

NAMES. Subchapter IV provides for corporate names, reserved names, and registered names of nonprofit corporations.

OFFICES AND AGENTS. Subchapter V provides for registered offices and agents of nonprofit corporations.

MEMBERS AND MEMBERSHIPS. Subchapter VI provides for members and memberships in nonprofit corporations.

MEETINGS AND VOTING. Subchapter VII provides for members' meetings and voting requirements.

DIRECTORS AND OFFICERS. Subchapter VIII relates to directors and officers of nonprofit corporations.

PERSONAL LIABILITY. Subchapter IX relates to personal liability and limitations on the personal liability of directors, officers, members, or volunteers of nonprofit corporations.

AMENDMENT OF ARTICLES AND BYLAWS. Subchapter X relates to articles of incorporation and bylaws of nonprofit corporations.

MERGER. Subchapter XI relates to mergers by nonprofit corporations.

SALE OF ASSETS. Subchapter XII provides for sale of assets by nonprofit corporations.

DISTRIBUTIONS. Subchapter XIII relates to prohibited and authorized distributions by nonprofit corporations.

DISSOLUTION. Subchapter XIV provides for voluntary, administrative and judicial dissolution of nonprofit corporations.

FOREIGN CORPORATIONS. Subchapter XV relates to the authority of foreign nonprofit corporations to transact business in the state.

RECORDS AND REPORTS. Subchapter XVI relates to corporate records and reports of nonprofit corporations.

TRANSITION PROVISIONS. Subchapter XVII provides for the application of new Code Chapter 504 to existing corporations and qualified foreign corporations, savings provisions, severability, and the designation of all domestic nonprofit corporations as public benefit, mutual benefit, or religious corporations.

Code Section 504A.102, relating to farm aid associations, is amended to provide that any liabilities or rights of a farm aid association that exist prior to the association's election to be governed as a corporation under Code Chapter 504A before January 1, 2005, or under Code Chapter 504 on or after January 1, 2005, but prior to June 30, 2005, continue after the July 1, 2005, repeal of other transition provisions relating to farm aid associations.

EFFECTIVE DATES. The Act takes effect July 1, 2004, and is applicable to new nonprofit corporations incorporated after January 1, 2005. Nonprofit corporations incorporated under Code Chapter 504A are subject to new Code Chapter 504, the revised Iowa Nonprofit Corporation Act created in the Act, beginning on July 1, 2005. All corporations that are or become subject to this Act on July 1, 2005, must be designated as public benefit, mutual benefit, or religious corporations by July 1, 2005. Code Chapter 504A, the current Iowa Nonprofit Corporation Act, is repealed on July 1, 2005.

HOUSE FILE 2230 - Safe Deposit Box Access by Trustees

BY COMMITTEE ON JUDICIARY. This Act relates to safe deposit box access by a trustee of a trust created by the deceased owner or lessee of the safe deposit box. The Act allows the trustee to present a certification of trust to a bank or a credit union to gain access to the contents of a deceased owner's or lessee's safe deposit box. The certification must contain a statement that the trust has not been revoked, modified or amended in any manner which would cause the representations contained in the certification to be incorrect and must contain a statement that it is being signed by all of the currently acting trustees of the trust and is sworn and subscribed to under penalty of perjury before a notary public.

HOUSE FILE 2269 - Regulation of Business Entities

BY COMMITTEE ON COMMERCE, REGULATION AND LABOR. This Act regulates a number of business entities traditionally under the jurisdiction of the Insurance Division of the Department of Commerce. The Act provides for the regulation of cemetery and funeral merchandising and services, business promotions and contracts, and businesses providing continuing care or adult congregate living services.

Division I — Cemetery and Funeral Merchandising and Services

Division I amends provisions in Code Chapter 523A, the “Iowa Cemetery and Funeral Merchandise and Funeral Services Act,” which regulates persons engaged in the business of selling merchandise and services related to interment, entombment or cremation. The chapter is administered by the Insurance Commissioner.

The division eliminates the definition of “person,” which is defined for purposes of the entire Code in Code Section 4.1.

Code Sections 523A.501 through 523A.503 provide permit requirements for persons regulated by the Code chapter, such as establishments or persons advertising or selling cemetery or funeral merchandise or funeral services. Specifically, the Code chapter provides for both establishment permits and sales permits. The division amends Code Section 523A.501 regulating establishment permits by eliminating a requirement that an establishment permit disclose information about the permit holder’s employer or business. The division also amends provisions in Code Section 523A.502 regulating sales permits. A provision in the Code section requires a purchaser of an establishment to obtain a new sales permit within 30 days from a sale. The division requires the establishment selling its business to cancel its sales permit.

Division II — Business Promotions and Contracts

Division II amends a number of provisions in Code Chapter 523B regulating business opportunity promotions. It removes references to the Insurance Division and administrator (the Insurance Commissioner or the commissioner’s deputy) as the agency responsible for the chapter’s enforcement. As part of this change, the division eliminates registration and filing requirements but retains disclosure requirements, including references to administrative files and opinions. It rewrites provisions providing for consent to service of process which, under the division, is filed with the Secretary of State rather than the Insurance Division.

The division eliminates a number of provisions, including Code Section 523B.8, relating to the powers of the administrator to carry out the provisions of the chapter, and Code Section 523B.10, which authorizes the administrator to adopt rules.

A person who violates a provision of the Code chapter is subject to a number of penalties, including a class “D” felony.

Division III — Congregate Care or Senior Adult Congregate Living Services

Division III amends Code Chapter 523D providing for the regulation of places that undertake to provide continuing care or senior adult congregate living services to an individual if such facility provides contractual support services, such as laundry, maintenance, housekeeping, emergency nursing care, activity services, security, dining options, transportation, beauty and barber services, health care, personal care, or supervised medication administration. A provider of such services who charges an entrance fee to a person as a resident, prospective resident, or a personal representative is required to file a disclosure statement with the Insurance Commissioner which in some ways resembles a stock prospectus. The provider must also submit an application to the commissioner as well as a filing fee of \$100. The Code chapter details the content of the required disclosure statements, provides enforcement mechanisms, and provides penalties.

The division eliminates the requirement that the annual disclosure statement and the application must be filed and approved by the commissioner. Instead, the provider must submit an annual certification of compliance to the commissioner.

The division requires that the disclosure statement include new information, including a description of transactions in which the provider obtains real or personal property or construction services from a developer or other person who does not have an arm’s-length relationship with the provider.

The division provides that the Insurance Commissioner, and not the Attorney General, may petition the district court for an injunction to restrain a person who is violating the Code chapter. The division provides that a person who violates a provision of the Code chapter is guilty of a fraudulent practice as provided in Code Chapter 714. Currently, a person who violates a provision of the Code chapter is guilty of an aggravated misdemeanor.

HOUSE FILE 2270 - Cooperative Associations and Retention of Abandoned Property — Notice Requirements

BY COMMITTEE ON COMMERCE, REGULATION AND LABOR. This Act requires a cooperative association to publish a notice regarding the retention of a person’s abandoned disbursement property, such as stock or other equity, by the cooperative association where the amount of abandoned property is equal to or greater than \$50. Current law requires a notice to be published regardless of the value of the abandoned property.

HOUSE FILE 2306 - Electronic Gift Cards — Fees for Delayed Redemption

BY COMMITTEE ON COMMERCE, REGULATION AND LABOR. This Act provides that an issuer of an electronic gift card shall not deduct from the gift card any charge for failure to present the gift card in a timely manner unless a valid and enforceable contract exists to impose such a charge and the issuer regularly imposes such charges and does not regularly reverse or cancel such charges.

HOUSE FILE 2347 - Uniform Limited Partnership Act

BY COMMITTEE ON JUDICIARY. This Act is based on an updated version of the Uniform Limited Partnership Act, approved by the National Conference of Commissioners on Uniform State Laws in 2002. The Act creates a new Code Chapter 488 to replace Code Chapter 487. The language of the model Act has been altered to be consistent with other Iowa statutes, and certain provisions have been changed to be consistent with other business laws in Iowa.

Brief Description of Articles

Article 1 provides a number of general sections, including the chapter's short title, definitions, the nature, purposes and powers of a limited partnership, how state law applies to the chapter, naming requirements, the effect of the partnership agreement upon the partners, procedures for service of process, and consent needed by and proxies acting on behalf of the partners.

Article 2 provides for the formation and termination of limited partnership and for the submission of reports to the Secretary of State.

Article 3 provides for the rights, duties and liabilities of limited partnerships.

Article 4 provides for general partners, including establishing standards of conduct and liability and provides for rights of action.

Article 5 provides for contributions and distributions, the form of contributions, and rights to and limitations on distributions.

Article 6 provides for dissociation, the effect of dissociation as a limited partner or general partner, and liability.

Article 7 provides for the transfer of interests and rights, including the rights of transferees, creditors, or estates of deceased partners.

Article 8 provides for dissolution, including nonjudicial or judicial dissolution; winding up; the settlement of claims; and administrative dissolution, reinstatement, and appeal.

Article 9 provides for foreign limited partnerships, including providing for a certificate of authority, administrative remedies, and naming requirements.

Article 10 provides for actions by partners, including derivative actions and procedures for instituting legal actions.

Article 11 provides for conversion and merger, including by requiring a plan of conversion or a plan of merger, the effect of conversion or merger, and liability following conversion or merger.

Article 12 provides for miscellaneous provisions, including statutory rules for application and construction of the chapter's provisions, an effective date, and a savings clause.

Summary of the Law Governing Limited Partnerships

Under the Act, a limited partnership may be established for any lawful purpose; may exist for a perpetual duration or as provided in the partnership agreement; may use names of the limited partners in the name of the partnership; and must file a biennial report with the Secretary of State. Recordkeeping for all forms required under the chapter is centralized in the Secretary of State's Office. The Act provides for a schedule of fees and allows the Secretary of State to specify the acceptable format for filing.

Under the Act, a limited partner has no liability for the debts of the entity, even if the limited partner participates in the management and control of the limited partnership. A limited partner is obligated to exercise rights consistent with good faith and fair dealing, but has no fiduciary duties solely by reason of being a limited partner. A limited partner may access certain information about the partnership without a showing of good cause, but the partnership agreement may set reason-

able restrictions on access to and use of required information. For other information, the limited partner must make a reasonable demand for access. The Act also sets forth duties for the general partners, provides methods for distributions according to contributions made, and establishes powers and liabilities related to dissociation of partners. Specific procedures exist for transferring economic rights, winding up business, dealing with creditors, and organizational mergers and conversions.

The Act establishes a serious misdemeanor penalty for persons who sign a record required or authorized to be filed under Code Chapter 488 that the signer knows to be false. A serious misdemeanor is punishable by a fine of at least \$250 but not more than \$1,500 and may also include confinement for no more than one year. However, the Act limits the penalty to a fine of no more than \$1,000. The new Code chapter is effective January 1, 2005, and applies to limited partnerships formed at or before that time that elect to be covered by the law. After January 1, 2006, the law applies to all limited partnerships, with certain exceptions for limited partnerships formed prior to January 1, 2005.

The Act takes effect January 1, 2005.

HOUSE FILE 2373 - Regulation of Real Estate Auctions and Auctioneers

BY COMMITTEE ON COMMERCE, REGULATION AND LABOR. This Act relates to the authorized activities of auctioneers in conducting a public sale or auction involving the sale or transfer of real property. The Act provides that an auctioneer shall provide in any advertising the name and address of the real estate broker or attorney who is providing brokerage services for the transaction and who is responsible for closing the sale, that the real estate broker or attorney shall be present at the time of the auction, and that a real estate broker or attorney who violates this provision shall be subject to a civil penalty of \$2,500. The Act additionally provides that if an investigation reveals that an auctioneer has violated the exemption provisions, or has assumed to act in the capacity of a real estate broker or salesperson, the Real Estate Commission may issue a cease and desist order, and shall issue a warning letter notifying the auctioneer of the violation for a first offense. The Act provides that subsequent violations shall result in the Real Estate Commission imposing a penalty of up to the greater of \$10,000 or 10 percent of the real estate sales price for each violation.

HOUSE FILE 2484 - Regulation of Financial Institutions and Real Property Transactions

BY COMMITTEE ON COMMERCE, REGULATION AND LABOR. This Act relates to the regulation of financial and real property institutions and assets.

Division I — Division of Banking

Division I of the Act implements reorganization of the Division of Banking of the Department of Commerce by substantially eliminating the position of deputy superintendent and references thereto. The division changes the name of the State Banking Board to the State Banking Council and delineates the appointment and terms of council members. The superintendent's report to the Governor will not be distributed to each state bank. Either the banking division or a federal banking agency shall examine every state bank and trust company at least once every two years. The superintendent shall set all fees instead of the State Banking Board.

The division allows a board of directors of a bank to take action by written consent without a meeting. Certain prior approvals by the superintendent required for actions of state banks are eliminated. Certain notices published by banks are no longer required to be published at least once a week for two weeks. Proof of publication of the notice must be provided to the superintendent within 14 days. A state bank converting to a national bank or federal savings association shall not continue to use "state" in the bank's legally chartered name. The division makes other grammatical and technical changes regarding the Division of Banking and the regulation of banking.

Division II — Credit Unions

Division II of the Act provides for the amendment of a credit union's bylaws by mail or electronic ballot, and permits elections of the board of directors to be held by electronic voting. The board of directors may request permission from the Superintendent of Credit Unions to reduce the number of board members from nine to seven. The division expands the permissible investments a credit union may engage in, and permits credit unions to perform setoffs on members' accounts under specified circumstances.

The division requires the superintendent to examine each credit union no less than once every 24 months, rather than once every 18 months. The duties of a director and the board of directors are expanded to require additional review of records and internal controls. Directors, officers, and other employees of a state credit union are prohibited from participating in matters in which they have a direct or indirect interest. The division strikes the provision granting a credit union a lien over the

shares and deposits of a member for any debt due the credit union by the member. The division expands the authority of a credit union to suspend or expel members or to deny service to members. The division permits a corporate central credit union to establish capital accounts.

Division III — Banks As Limited Liability Companies

Division III of the Act permits a state bank to be organized as a limited liability company. The definitions of “articles of incorporation,” “shareholder,” “shares,” and “bylaws” are amended to include the organization of and membership interests in limited liability companies. New definitions are provided for “board of directors,” “director,” “manager,” “member,” and “membership interest” to reflect their application to state banks as limited liability companies. The division requires the articles of incorporation of a state bank organized as a limited liability company to include specific provisions. Similarly, “bylaws” may also mean the operating agreement of a state bank organized as a limited liability company. A state bank organized as a limited liability company must also comply with Code Chapter 490A, Limited Liability Companies, except that where conflicts occur, Code Chapter 524, Banks, controls. The Superintendent of Banking may adopt rules to regulate state banks that organize as limited liability companies.

The division makes numerous corresponding terminology changes throughout Code Chapter 524, and also to Code Section 422.11 regarding the franchise tax credit, to reflect that a state bank may be either a corporation or limited liability company.

Division IV — Real Property Loans

Division IV of the Act permits a state-chartered financial institution to charge a borrower for any bona fide costs incurred with a loan to the extent permitted by federal law as determined by the Office of the Comptroller of the Currency of the U. S. Department of the Treasury, the National Credit Union Association, or the Office of Thrift Supervision of the U. S. Department of the Treasury. The costs shall also apply to and may be collected by an insurer authorized to do business in Iowa, but the provision does not permit the sale of title insurance in this state.

Division V — Real Property Financial Liability

Division V of the Act provides that a person holding indicia of ownership of property contaminated by a hazardous substance or waste may not be held liable for the contamination if the person did not knowingly cause a new hazardous substance or waste that injures a third party or contaminates a third party’s property, or the person is not a potentially responsible party or affiliated with a potentially responsible party through a family, contractual or business relationship. The division further provides that a person holding indicia of title must provide reasonable access to the property to any potentially responsible party or authorized regulatory authority. The division does not provide immunity from criminal liability. The division takes effect May 6, 2004.

HOUSE FILE 2489 - Regulation of Insurance and Cemetery and Funeral Merchandise and Services

BY COMMITTEE ON COMMERCE, REGULATION AND LABOR. This Act revises various chapters in Title XIII of the Code, including the regulation of insurance.

The Act deletes references to Code Chapters 507B and 522B, regarding unfair trade practices in insurance and the licensing of insurance producers, in Code Chapter 272C, which relates to continuing education and regulation for certain professions and occupations.

The Act modifies terminology to refer to “producer” instead of to “broker” or “agent” in Code Chapter 432, providing for an insurance company tax, and Code Chapter 507B.

The Act creates a new centralized civil penalty section in Code Section 505.7A that applies to all prohibited acts in Title XIII, subtitle 1, regarding insurance and related regulation. The civil penalty is imposed by order of the Insurance Commissioner after a hearing. Other Code sections are amended to conform with this consolidation of general penalties.

The Act makes a number of modifications to certain terminology used in the Interstate Insurance Product Regulation Compact contained in Code Chapter 505A that was enacted in 2003.

The Act amends Code Chapter 507, which provides for the examination of insurance companies. The Act amends Code Section 507.14 to provide that analysis notes, work papers, or other documents related to the analysis of an insurer are not public records under Code Chapter 22. Code Section 507A.10, relating to civil penalties and cease and desist orders for unauthorized insurers, is expanded to provide additional procedures relating to summary orders, requests for contested case proceedings, contempt orders, criminal penalties, and referral to criminal authorities.

Code Section 507B.3 is amended to allow the Insurance Commissioner to provide information from an investigation regarding insurance trade practices to a company or producer that is the subject of the complaint or to the consumer who filed the complaint without waiving confidentiality provisions.

Code Section 507B.6 is amended to allow the service of subpoenas by restricted certified mail.

A new Code Section 507B.6A is added to provide procedures for the issuance of summary cease and desist orders, requests for contested case proceedings, and the issuance of contempt orders in insurance trade practices cases.

The penalty provisions for cease and desist orders contained in Code Section 507B.1 are amended by requiring only a general standard that the person knew or reasonably should have known that the conduct violated Iowa insurance laws. In addition, the Insurance Commissioner is empowered to impose a civil penalty or suspend or revoke the person's license when the person violates a cease and desist order.

Code Chapter 507C provides for the supervision, rehabilitation and liquidation of insurance companies. The Act amends Code Section 507C.11 by providing that orders, in addition to other records and documents comprising the record of a proceeding, are confidential.

The Act amends Code Chapter 511 regulating life insurance companies and Code Chapter 515 regulating other insurance companies. Code Sections 511.8 and 515.35 are amended to provide that these companies are authorized to invest in bonds or obligations issued as backed by the United States or in open-end management investment companies whose portfolios are limited to those securities. The sections limit the percentage insurance companies or associations may invest in foreign government securities. Code Section 511.8 modifies the percentage of a company's legal reserve requirements that may be used in hedging transactions and loaning securities. Code Section 515.35 is modified regarding the loaning of securities by an insurance company.

The Act amends Code Section 513C.8 to provide that the board of directors of the Iowa Comprehensive Health Insurance Association, instead of the Insurance Commissioner but with the commissioner's approval, shall adopt forms and levels of coverage of basic and standard individual health benefit plans for the individual market.

The Act amends Code Section 513C.10 to provide that all insurers, as designated by the board and with the approval of the commissioner, shall be included as members of the Iowa Individual Health Benefit Reinsurance Association. The Act amends Code Section 513C.10 to provide that the board shall develop not only procedures but assessment mechanisms to make assessments and distributions as required to equalize individual carrier and organized delivery system gains or losses.

The Act amends provisions in Code Chapter 514A providing for accident and health insurance. It adds a new Code Section 514A.3A requiring a refund of an unearned premium prorated to the month of an insured's death.

The Act amends Code Chapter 514E relating to the Iowa Comprehensive Health Insurance Association by providing for the issuance of policies by the association's board of directors. Coverage is to be determined by the board under benefit plans adopted by the board and approved by the Insurance Commissioner, based on a percentage of average premiums. Code Section 514E.4 is amended relating to the payment of medically necessary health care services and the provision of benefits, deductibles and coinsurance reflective of current individual insurance market conditions. The association's board is authorized to make benefit changes to remain current with market conditions. Code Sections 514E.5 and 514E.6, containing lists of excluded expenses and benefit limitations, are repealed. The Act eliminates unused definitions from Code Section 514E.1, removes an outdated reference to Code Chapter 513B, and coordinates Code language with Medicare requirements in Code Section 513C.8.

The Act amends Code Section 514E.7 to rescind coverage for an individual who no longer resides in the state.

The Act amends Code Chapter 522B, regarding insurance producer license denial, nonrenewal or revocation. It increases the authority of the Insurance Commissioner to investigate and enforce provisions of the chapter.

The Act provides for new Code Section 522B.16A, which imposes duties on licensees, including a duty to keep certain records pertaining to insurance transactions undertaken by a producer available for inspection by the commissioner or the commissioner's representative, for at least three years. Licensure sanctions and civil penalties apply to a violation.

The Act modifies provisions regarding cemetery and funeral merchandise and services that relate to contestability clauses and death benefit limitations in certain policies and annuities. The Act also changes the requirements for establishment and sales permits for cemetery and funeral merchandise and services.

The Act repeals a number of Code sections in conjunction with the consolidation of general penalties and the new general penalty provision in Code Section 505.7A.

HOUSE FILE 2490 - Uniform Electronic Transactions Act — Miscellaneous Changes

BY COMMITTEE ON COMMERCE, REGULATION AND LABOR. This Act makes numerous changes to Code Chapter 554D, the Uniform Electronic Transactions Act, to conform the chapter to federal standards. The Act broadens the applicability of the chapter by removing several exceptions, including the applicability of the chapter to consumer transactions and transactions governed by a rule of law governing advanced directives, guardianships, and conservatorships. The Act amends provisions regarding the delivery of records and provides for the severability of the chapter if any provision is held invalid. The Act repeals certain sections of Code Chapter 554D, including those relating to the legal recognition of electronic records affecting interests in real property, and the interoperability of the chapter with similar requirements adopted by other government agencies. The Act also repeals the criminal penalty for misrepresentation of identity or authorization to obtain a private key for use in a digital signature.

HOUSE FILE 2505 - Sale of Alcoholic Beverages, Wine, or Beer on Credit — Convention, Civic, or Events Centers

BY COMMITTEE ON COMMERCE, REGULATION AND LABOR. This Act provides that Code provisions which specify that alcoholic beverages, wine, or beer may not be sold to any person on credit except with a bona fide credit card shall not apply to the managing entity of a convention center, civic center, or events center.

HOUSE FILE 2554 - Prescription Drug Assistance Program — VETOED BY THE GOVERNOR

BY COMMITTEE ON APPROPRIATIONS. This bill would have directed the Commissioner of Insurance to seek federal funding to establish and administer a Prescription Drug Assistance Program. If federal funding was not received before October 1, 2004, the bill would have provided an appropriation for the establishment and administration of the program.

HOUSE FILE 2557 - Securities Regulation

BY COMMITTEE ON WAYS AND MEANS. This Act provides for the regulation of securities. Generally, these regulations are designed to protect investors from fraudulent sales of securities. Securities are governed under both federal and state law, including the Securities Act of 1933 and the Securities Exchange Act of 1934, and are regulated by the U.S. Securities and Exchange Commission. Iowa has adopted the Iowa Uniform Securities Act, model legislation popularly known as the "Blue Sky Law," which was developed by the National Conference of Commissioners on Uniform State Laws. The Iowa Blue Sky Law is codified in Code Chapter 502 and administered by the Securities Bureau of the Insurance Division of the Department of Commerce.

The Act substantially revises almost every provision of Code Chapter 502. It is based on a new version of model legislation as recommended by the commissioners and referred to as the Uniform Securities Act (2002). The new uniform Act provides state securities regulators authority to investigate, prosecute and sanction individuals and firms that engage in securities transactions, in a manner that is consistent with current federal law, including with the federal National Securities Markets Improvement Act, enacted in 1996, which has preempted some state regulatory authority.

The Act regulates public offerings of securities by issuers. Broker-dealers and their agents, and investment advisers and their representatives, must be registered. The Act prohibits fraud in securities transactions and provides enforcement powers to the bureau and Attorney General. These powers include the ability to make rules and regulations, issue stop orders, bring criminal prosecutions, and pursue civil actions in court.

Division I — Substantive Provisions

Article 1 includes general provisions, including definitions, a reference to federal statutes and federal agencies, and provisions governing electronic records and signatures.

Article 2 provides exemptions from registration of securities, including by providing for both exempt securities and exempt transactions and waivers. It also provides for the denial, suspension, revocation, conditions, or limitations on exemptions for securities regulation.

Article 3 provides for the registration of securities and notice filing of federal covered securities. It provides for security registration requirements, notice filing, securities registration by coordination or qualification, security registration filings, and the denial, suspension or revocation of registrations. It also provides for waivers and modification of these requirements.

Article 3A is a special Iowa article that includes takeover provisions, including by providing for registration requirements; the filing of solicitation materials; prohibiting fraudulent, deceptive or manipulative practices; providing limitations on

offers and offerors; providing for administration; and providing for the chapter's application to public utilities and financial institutions.

Article 4 regulates broker-dealers, agents, investment advisers, investment adviser representatives, and federal covered investment advisers. The article provides for registration requirements and exemptions for broker-dealers, agents, and investment adviser representatives. It also provides for federal covered investment adviser notice filing requirements. The article provides for succession and changes in the registration of broker-dealers or investment advisers, for the termination of employment or association of agents and investment adviser representatives, and for related transfers of employment or association. It provides for the withdrawal of registration of broker-dealers, agents, investment advisers, and investment adviser representatives. It provides for filing fees, as well as post-registration requirements. Finally, the article provides for the denial, revocation, suspension, withdrawal, restriction, conditions, or limitations of registration.

Article 5 relates to fraud and liabilities. It sets forth prohibited conduct when providing investment advice. It also sets forth an evidentiary burden, provides for the filing of sales and advertising literature, and prohibits misleading filings and misrepresentations concerning registration or exemptions. The article also provides for qualified immunity, criminal penalties, civil liability, and rescission offers.

Article 6 provides for administration and judicial review. It provides generally for administration of the chapter's provisions, investigations and subpoenas, and civil and administrative enforcement. It also includes special provisions governing rules, forms, orders, interpretative opinions, and hearings. It provides for public records and for their confidentiality. The article provides for uniformity and cooperation with other agencies. It includes provisions governing judicial review, jurisdiction, and service of process, and includes a severability clause.

Division II — Transition Provisions

Division II provides for the transition of administration. This includes applicability of the Act's new provisions to existing proceedings and existing rights and duties.

Division III — Conforming Changes

Division III contains provisions in other chapters that conform to changes made by the Act.

The Act takes effect January 1, 2005.

HOUSE FILE 2568 - Health Insurance — Miscellaneous Changes

BY COMMITTEE ON WAYS AND MEANS. This Act contains provisions related to issues considered by the Individual Health Insurance Task Force. The provisions relate to individual health insurance market reforms under Code Chapter 513C and the Iowa Comprehensive Health Insurance Association (ICHA) governed under Code Chapter 514E, and address program eligibility, benefit design, rate structures, program administration, and funding of assessments.

Regarding program eligibility, the Act specifies that an ICHA policy under Code Chapter 514E is not considered "qualifying existing coverage" or "qualifying previous coverage." Certain provisions regarding basic and standard health plans are stricken effective January 1, 2005.

The Act provides that the Board of Directors of the ICHA, instead of the Insurance Commissioner, shall adopt forms and levels of coverage of basic and standard individual health benefit plans for the individual market that are substantially similar to the current state of the individual market.

The Act provides that all insurers, as designated by the Board of Directors of the ICHA with the approval of the commissioner, shall be included as members of the Iowa Individual Health Benefit Reinsurance Association. The Act directs the association to develop not only procedures but assessment mechanisms to make assessments and distributions as required to equalize individual carrier and organized delivery system gains or losses.

The Act limits eligible ICHA participants to residents, and, due to recommending the sunset of basic and standard plans beginning January 1, 2005, allows new participants in the ICHA plan to transfer from a basic or standard plan without a limitation on preexisting conditions. A provision regarding notification of potential eligibility for the ICHA is also modified. The Act modifies a provision related to the federal Trade Adjustment Act because the ICHA is the mechanism designated by the Governor pursuant to the trade Act.

A provision related to the payment of medically necessary health care services is amended. The Act addresses the provision of benefits, deductibles and coinsurance reflective of current individual insurance market conditions. The ICHA board is

authorized to make benefit changes from time to time to remain current with market conditions. Lists of excluded expenses and benefit limitations are repealed and corresponding changes are made to delete unused definitions. Changes are made to remove an outdated reference to Code Chapter 513B, and to coordinate Code language with Medicare requirements.

A provision is amended to allow adjustments in ICHA rates to reflect rating characteristics in the marketplace and to allow an insurer to offset an assessment made under Code Chapter 514E against its premium tax liability pursuant to Code Chapter 432. The amendment allowing the offset takes effect January 1, 2005

CHILDREN AND YOUTH

- SENATE FILE 2166 - Child Endangerment — Death of a Child or Minor
- HOUSE FILE 2150 - Child Endangerment — Possession or Manufacture of Specified Controlled Substances
- HOUSE FILE 2327 - Child Abuse Assessment and Training
- HOUSE FILE 2328 - Disclosure of Department of Human Services Records and Information
- HOUSE FILE 2350 - Family Investment Program Eligibility Requirements
- HOUSE FILE 2462 - Child Welfare Pilot Projects
- HOUSE FILE 2481 - Child in Need of Assistance Dispositional Orders

RELATED LEGISLATION

- SENATE FILE 2059 - Birth Certificate Fees — Appropriation
SEE APPROPRIATIONS. This Act provides for a standing appropriation of fees generated from the registration of certificates of birth. The fees are appropriated for primary and secondary child abuse prevention programs and for the Birth Defects Institute Central Registry. The Act takes effect March 18, 2004.
- SENATE FILE 2066 - Motor Vehicle Safety — Child Restraint Systems
SEE TRANSPORTATION. This Act revises requirements for the use of child restraint systems and safety belts for children being transported in motor vehicles and provides for an 18-month phase-in of the new law.
- SENATE FILE 2209 - Immunizations — Mercury Content — Reimbursement
SEE HEALTH & SAFETY. This Act prohibits early childhood immunizations administered in Iowa beginning January 1, 2006, with some exceptions, from containing more than trace amounts of mercury.
- SENATE FILE 2234 - Child Custody and Visitation
SEE CIVIL LAW, PROCEDURE & COURT ADMINISTRATION. This Act provides for the provision of a minimum visitation schedule between a child and noncustodial parent under a temporary order for custody, unless the court determines that the visitation is not in the best interest of the child, and also allows a father to petition for visitation or custody during the same action as that which establishes paternity.
- SENATE FILE 2288 - Federal Block Grant Appropriations
SEE APPROPRIATIONS. This Act appropriates federal block grant and other nonstate moneys to state agencies for the federal fiscal year beginning October 1, 2004, and ending September 30, 2005. The Act includes funding for various programs involving children and families, including Child Care and Development, Maternal and Child Health Services, Community Services, and Social Services Block Grants.
- SENATE FILE 2298 - Government Funding, Administration, and Regulation — Appropriations and Miscellaneous Changes
SEE APPROPRIATIONS. Divisions V and VI of this Act make appropriations for health and human services and provide numerous related provisions, including appropriations for child welfare, child care, child support, and many other items affecting children.

 Division X adds the Director of the Department of Economic Development as a voting member of the Iowa Empowerment Board.
- HOUSE FILE 22 - Custody and Care of Children — Awards of Physical Care
SEE CIVIL LAW, PROCEDURE & COURT ADMINISTRATION. This Act relates to the awarding of joint physical care of a child to joint legal custodial parents upon the request of either parent, and requires the court to provide specific findings of fact and conclusions of law if the court denies the request for joint physical care.

- HOUSE FILE 2042** - Blood Donations by Sixteen-Year-Old Persons
SEE HEALTH & SAFETY. This Act allows a person who is 16 years of age to donate blood in a voluntary and noncompensatory blood program with the written permission of the person's parent or guardian.
- HOUSE FILE 2176** - Termination of Parental Rights — Abandonment of Child
SEE CIVIL LAW, PROCEDURE & CORRECTIONS. This Act addresses the criteria for the determination of abandonment of a child by a putative father as one of the grounds for termination of parental rights and applies criteria in determining abandonment to both parents, though certain criteria still apply only with regard to the deeming of abandonment of a child by a putative father.
- HOUSE FILE 2207** - Substantive Code Corrections
SEE STATE GOVERNMENT. This Act contains statutory corrections that adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities. Changes made include changes to a provision specifying the applicability of the definition of "qualified expert" under the Indian Child Welfare Code chapter and a correction to a provision governing temporary removal hearings in child in need of assistance proceedings.
- HOUSE FILE 2362** - Birth Defects Institute — Renamed — Duties
SEE HEALTH & SAFETY. This Act establishes a stillbirths protocol work group and renames the Birth Defects Institute the Center for Congenital and Inherited Disorders.
- HOUSE FILE 2390** - Human Services — Miscellaneous Changes
SEE HUMAN SERVICES. This Act makes changes to programs and services under the purview of the Department of Human Services, including the Family Support Subsidy Program, service areas, group foster care placements and other child welfare requirements, and child support.
- HOUSE FILE 2527** - Birth Certificate Copies — Biological Parents
SEE CIVIL LAW, PROCEDURE & COURT ADMINISTRATION. This Act provides that a biological parent may request a certified copy of the certificate of birth of the parent's child unless the biological parent's parental rights are terminated.
- HOUSE FILE 2528** - Modification of Child Custody Orders — Entry of Juvenile Court Dispositional Order
SEE CIVIL LAW, PROCEDURE & CORRECTIONS. This Act allows the district court to consider a juvenile court custody order entered pursuant to Code Chapter 232 when modifying custody or support orders made pursuant to Code Chapter 598.
- HOUSE FILE 2537** - Mental Illness, Mental Retardation, Developmental Disability, and Brain Injury Services and Support
SEE LOCAL GOVERNMENT. This Act addresses redesign of the system for services and other support provided for persons with mental illness, mental retardation or other developmental disabilities, or brain injury (MI/MR/DD/BI) and includes a requirement for the Mental Health, Mental Retardation, Developmental Disabilities, and Brain Injury Commission to address a child's transition to adult services in redesigning the children's MI/MR/DD/BI service system.

CHILDREN AND YOUTH

SENATE FILE 2166 - Child Endangerment — Death of a Child or Minor

BY COMMITTEE ON JUDICIARY. This Act establishes a new class “B” felony penalty for an act of child endangerment resulting in the death of a child or minor, whether or not the act was committed under circumstances manifesting an extreme indifference to human life. Under existing law, a person who kills a child while committing child endangerment by an intentional act, use of unreasonable force, torture, or cruelty resulting in bodily injury, or intending to cause serious injury, or while committing assault upon the child, and the death occurs under circumstances manifesting an extreme indifference to human life, commits murder in the first degree, which is a class “A” felony. Under existing law, a person who engages in a course of conduct including three or more acts of child endangerment within a period of 12 months, where one or more of the acts results in serious injury to the child or minor or results in a skeletal injury to a child under four years of age, commits a class “B” felony. The Act includes the same enhanced penalty provision as exists for the current class “B” child endangerment felony offense in that the term of confinement is not more than 50 years, rather than the usual maximum sentence for a class “B” felony, which is 25 years.

HOUSE FILE 2150 - Child Endangerment — Possession or Manufacture of Specified Controlled Substances

BY COMMITTEE ON JUDICIARY. This Act establishes a new child endangerment criminal offense for permitting the presence of a child or minor at a location where amphetamine or methamphetamine is manufactured or possessed with intent to manufacture but there was not a serious injury to the child.

The penalty is a class “D” felony offense, the same penalty as is applicable to a child endangerment offense resulting in bodily injury to a child. This penalty is punishable by confinement for no more than five years and a fine of at least \$750 but not more than \$7,500. The controlled substance law includes an existing penalty enhancement of an additional five years of confinement for a controlled substance infraction in which an adult manufactures methamphetamine in the presence of a minor. The Act provides that the enhanced penalty is not applicable to a person who has been convicted and sentenced for the new child endangerment offense.

HOUSE FILE 2327 - Child Abuse Assessment and Training

BY COMMITTEE ON HUMAN RESOURCES. This Act relates to child abuse assessment requirements involving notification of parents, interviews of persons alleged to have committed child abuse, and the training of child protection workers employed by the Department of Human Services (DHS).

The duties of DHS upon receipt of a child abuse report are revised. Current law requires DHS to provide written notice to the parents of a child concerning a child abuse assessment, unless the court allows DHS to withhold notification. In addition, for a parent alleged to have committed the abuse, the Act requires DHS to inform the parents regarding the complaint or allegation made regarding the parent. When DHS is conducting an interview of the person alleged to have committed the reported child abuse, a similar requirement for the person to be informed of the complaint or allegation made regarding the person applies. The parents or person are required to be informed in a manner that protects the confidentiality rights of the person who reported the abuse.

Requirements for training and educational programs regarding child abuse are revised to apply new training requirements for child protection workers and other departmental employees who provide services to or otherwise work directly with children or families for whom child abuse has been alleged. The training is required to address the legal rights of children and family members throughout the period of involvement with the department, beginning with the child abuse report and ending with the department’s closure of the case. The training is also to include instruction in the Fourth Amendment to the U.S. Constitution (protection against unreasonable search and seizure) and parents’ legal rights.

HOUSE FILE 2328 - Disclosure of Department of Human Services Records and Information

BY COMMITTEE ON HUMAN RESOURCES. This Act relates to Department of Human Services (DHS) child protection confidentiality requirements involving cases of child fatality or near fatality. Statutory restrictions involving confidentiality of DHS records are revised to allow an exception for disclosure of information for certain cases of child abuse involving a child fatality or near fatality. The information subject to disclosure includes names and addresses of individuals receiving services or assistance from DHS, the types of services or amounts of assistance provided, information concerning the social or economic conditions or circumstances of particular individuals who are receiving or have received services or assistance from DHS, and agency evaluations of information about a particular individual.

The term “near fatality” used in reference to child abuse is rewritten to mean an injury to a child that, as certified by a physician, placed the child in serious or critical condition.

Current law providing a procedure for the Governor and designees of legislative leaders to receive confidential information on child abuse cases involving a fatality or near fatality to a child is revised. The Act requires the sharing of such information to be through a confidential meeting with the designees. Removal of written materials distributed at the meeting and redissemination of confidential information disclosed at the meeting is prohibited. In addition to issuing a report to the Governor, which is allowed under current law, a participant in the meeting is now allowed to make general public statements concerning the department's handling of the case of child abuse.

Current law authorizes the Governor to request and receive disclosure of confidential information concerning any specific case of child abuse. This authority is expanded to include the Governor's designee.

Existing law allowing any person to request and receive information concerning a case of child abuse involving a fatality or near fatality to a child is amended to allow release of other confidential information in addition to child abuse information. If the request is received before or during performance of a child abuse assessment of the case, initially the Director of Human Services or the director's designee must inform the requestor whether or not the assessment will be or is being performed. Otherwise, within five days of receiving the request or completing the assessment, whichever is later, the director or designee must release the information.

The additional confidential information to be released by the department was later amended by H.F. 2390 (see Human Services), to include relevant information concerning the child and the child's family, the department's response and findings, a summary of information whether or not social services were being utilized, recommendations made by the department to the county attorney or juvenile court, and a summary of an evaluation of the department's responses.

Existing law regarding information released in cases involving a child fatality or near fatality includes a list of information items that are restricted from release. This list is also applicable to the report issued by a special Child Fatality Review Committee appointed by the Director of Public Health. The Act removes a restriction against the release of information pertaining to the child, the child's family, or any other person who is not directly related to the cause of the fatality or near fatality.

A procedure is established for use if it is determined that release of additional social service information in child fatality and near fatality cases would be in the public interest or for the department to release as a response when the subject of a child abuse report or someone involved with a child abuse assessment publicly releases or discusses confidential child abuse information. The Director of Human Services or the director's designee may request the juvenile court to review the confidential information proposed to be released in a closed session and to issue an order authorizing the release.

Existing law in Code Section 235A.24 allows a requestor of information regarding a case involving a child fatality or near fatality whose request is denied by DHS to seek relief from the court. The Act also allows relief if the requestor does not believe DHS has substantially complied with the request.

HOUSE FILE 2350 - Family Investment Program Eligibility Requirements

BY COMMITTEE ON HUMAN RESOURCES. This Act relates to Family Investment Program (FIP) eligibility requirements involving motor vehicle equity and required school attendance, and addresses FIP agreements.

Under current law, a certain amount of the equity value of a motor vehicle is disregarded in determining a family's initial and continuing eligibility for FIP. The disregard is applicable to each adult and working individual age 19 or younger. The Act instead applies the disregard to the value of one motor vehicle regardless of value, provides that the equity value of any additional motor vehicle is applied to the overall resource limitations applicable to the family, and eliminates the applicability of the disregard to each individual. The motor vehicle disregard change is initially applicable during fiscal year 2004-2005 on a date to be identified in administrative rule adopted by the Department of Human Services (DHS).

One of the exemptions from the requirement that a FIP participant family member enter into a family investment agreement (FIA) is revised. The exemption is applicable to a family member age 16 through 18 who is not a parent and is attending K-12 school on a full-time basis. The Act provides that if such an individual loses this exempt status and has signed an FIA, the individual is subject to the agreement until the terms are completed.

A new participation option is provided that may be included in the terms of an FIA to allow the self-sufficiency plan for an individual or family with an acknowledged barrier to be specified in one or more FIAs.

The requirements for a limited benefit plan applicable to FIP participant families and individuals who choose to be noncompliant with a FIP requirement are revised. A limited benefit plan will no longer be applicable to a specified relative with whom a child resides. An exception that limits the applicability of a limited benefit plan to an individual, instead of

the whole family, is expanded to include a needy relative who assumes the role of a parent. That exception is narrowed to no longer apply to a stepparent whose needs are included in assistance because of caregiving.

Code Section 239B.2A is repealed. This statute requires the parent or other specified relative of a child receiving cash assistance under FIP to cooperate with efforts to ensure the child completes educational requirements through the sixth grade. Under the statute, the agreement to cooperate is a condition required of those applying for FIP and for continued eligibility for FIP assistance, and failure to cooperate makes the family subject to a sanction reducing the family's cash benefit.

In addition, corresponding references are eliminated that provide for DHS involvement in the truancy process outlined in the Compulsory School Attendance Law. The eliminated provisions included authority for a school truancy officer to release information to DHS and for DHS to provide information to the officer.

HOUSE FILE 2462 - Child Welfare Pilot Projects

BY COMMITTEE ON HUMAN RESOURCES. This Act requires the Department of Human Services (DHS) to implement two types of child welfare pilot projects.

For the first type of project, DHS is directed to implement one or more child welfare diversion and mediation pilot projects through the offices of the county attorney. Projects are to be implemented beginning in FY 2004-2005 in separate counties. These pilot projects are to divert child welfare cases, improve permanency for children, promote family unification, and reduce state expenditures. The projects are to assist DHS in data collection to evaluate effectiveness. An initial evaluation is due to the General Assembly on or before December 15, 2007. Savings attributed to the pilot projects may be allocated to the projects to assist with operating expenses.

For the second type of project, DHS is directed to implement a family case staffing approach in at least two counties. Unless DHS determines it would not be in the child's best interest, the staffing would be held prior to a child in need of assistance petition being filed. This pilot project has the same purposes as the first pilot project.

HOUSE FILE 2481 - Child in Need of Assistance Dispositional Orders

BY COMMITTEE ON JUDICIARY. This Act expands the circumstances by which the juvenile court may modify, vacate and substitute, or terminate a child in need of assistance dispositional order.

Existing law under Code Section 232.103 authorizes the court, upon a motion or upon the court's own motion, to terminate an order and release the child if the court finds the purposes of the order have been accomplished and the child is no longer in need of supervision, care or treatment. The Act expands this authority to also include modification of a dispositional order or vacation and substitution of a dispositional order. Additional grounds are provided for use of the authority if the court finds that the purposes of the order cannot reasonably be accomplished, the efforts made to effect the purposes of the order were unsuccessful and other viable options are unavailable, or the purposes have been sufficiently accomplished and the continuation of supervision, care or treatment is unjustified or unwarranted.

If a child is subject to a dispositional order for an out-of-home placement, a change in the level of care requires modification of the order and a hearing on a motion to modify a dispositional order is required. However, if all parties agree, the Act allows the hearing to be waived.

CIVIL LAW, PROCEDURE AND COURT ADMINISTRATION

SENATE FILE 344	- Appeal Bonds — Monetary Limits — VETOED BY THE GOVERNOR
SENATE FILE 371	- Recording of Documents or Instruments by County Recorder — Fees and Standards
SENATE FILE 2167	- Descent and Distribution of Property — Disclaimers of Powers, Rights, or Interests in Property and Medical Assistance Benefits Recovery
SENATE FILE 2193	- Sexually Violent Offenses — Insanity of Defendant — Civil Commitment
SENATE FILE 2199	- Landlord-Tenant Law — Dangerous Activities of Tenant — Notice of Termination and Notice to Quit
SENATE FILE 2230	- Claims Resulting From Contaminated Property — Third-Party Liability — VETOED BY THE GOVERNOR
SENATE FILE 2234	- Child Custody and Visitation
SENATE FILE 2266	- Environmental Status of Rental Property — Landlord Disclosure
SENATE FILE 2306	- Civil Actions — Appeal Bonds
HOUSE FILE 22	- Custody and Care of Children — Awards of Physical Care
HOUSE FILE 2170	- Product Liability Actions
HOUSE FILE 2176	- Termination of Parental Rights — Abandonment of Child
HOUSE FILE 2325	- Criminal Procedure — Ineffective Assistance of Counsel Claims — Direct Appeals
HOUSE FILE 2396	- Settlement Offer Prior to Trial — VETOED BY THE GOVERNOR
HOUSE FILE 2440	- Noneconomic Damage Limit — Medical Malpractice Cases — VETOED BY THE GOVERNOR
HOUSE FILE 2450	- Real Property — Conveyances and Other Transfers — Marketable Record Title
HOUSE FILE 2455	- Marriage and Domestic Relations Requirements — VETOED BY THE GOVERNOR
HOUSE FILE 2527	- Birth Certificate Copies — Biological Parents
HOUSE FILE 2528	- Modification of Child Custody Orders — Entry of Juvenile Court Dispositional Order
HOUSE FILE 2530	- Criminal Penalty Surcharges
HOUSE FILE 2533	- Domestic Abuse Protective Orders and Court-Approved Consent Agreements
HOUSE FILE 2572	- Administration of Courts and Judicial Proceedings
HOUSE FILE 2579	- Appeals From Condemnation Proceedings — Damage Awards — Interest

RELATED LEGISLATION

SENATE FILE 2188	- Human Rights — Asians and Pacific Islanders — Commission SEE STATE GOVERNMENT. This Act creates a Division on the Status of Iowans of Asian and Pacific Islander Heritage within the Department of Human Rights, and creates a Commission on the Status of Asian and Pacific Islander Heritage.
SENATE FILE 2298	- Government Funding, Administration, and Regulation — Appropriations and Miscellaneous Changes SEE APPROPRIATIONS. Divisions V and VI of this Act make appropriations for health and human services and provide numerous related provisions, including appropriations for child welfare, child support, and many other items affecting children.
HOUSE FILE 2207	- Substantive Code Corrections SEE STATE GOVERNMENT. This Act contains statutory corrections that adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities. Changes made include changes related to the applicability of the definition of the term “qualified expert” under the Indian Child Welfare Code chapter, a correction to a provision relating to

temporary removal hearings in child in need of assistance proceedings, and changes to provisions related to annexation of territory by a city, public utility regulation, regulation of various business entities, forcible entry and detainer actions, and district associate judge elections. The corrections to the district associate judge elections provisions take effect April 26, 2004.

- HOUSE FILE 2230** - Safe Deposit Box Access by Trustees
SEE BUSINESS, BANKING & INSURANCE. This Act allows a trustee of a trust created by a deceased owner or lessee of a safe deposit box to present a certification of trust to a bank or a credit union to gain access to the contents of such a safe deposit box.
- HOUSE FILE 2243** - Liquefied Petroleum Gas Systems — Liability for Injuries or Damages
SEE ENERGY & PUBLIC UTILITIES. This Act provides that in an action regarding personal injuries or property damage resulting from defects or other condition of a liquefied petroleum gas system, the finder of fact shall consider any negligent act of a customer, owner, or other person installing, modifying, maintaining, or repairing the system if the negligent act was a cause in fact of the accident or condition causing the personal injuries or property damage.
- HOUSE FILE 2327** - Child Abuse Assessment and Training
SEE CHILDREN & YOUTH. This Act relates to child abuse assessment requirements involving notification of parents, interviews of persons alleged to have committed child abuse, and training of child protection workers employed by the Department of Human Services.
- HOUSE FILE 2347** - Uniform Limited Partnership Act
SEE BUSINESS, BANKING & INSURANCE. This Act is based on an updated version of the Uniform Limited Partnership Act, approved by the National Conference of Commissioners on Uniform State Laws in 2002. The Act creates a new Code Chapter 488 to replace Code Chapter 487.
- HOUSE FILE 2351** - Waste Tire Management — Enforcement
SEE ENVIRONMENTAL PROTECTION. This Act requires the Attorney General, upon the request by the Department of Natural Resources, to institute any civil or criminal legal proceeding necessary to obtain compliance with an order of the Environmental Protection Commission or the department's director to prosecute a person for violating the Code section, or any rule adopted pursuant to the section, regulating waste tire disposal. The Act creates a civil penalty.
- HOUSE FILE 2358** - Practice of Cosmetology — Miscellaneous Changes
SEE HEALTH & SAFETY. This Act provides for the imposition of a civil penalty by the Board of Cosmetology Arts and Sciences Examiners for violations of Code Chapter 157 in an amount not to exceed \$1,000 per violation, with each day of a continued violation constituting a separate offense, up to a maximum penalty of \$10,000.
- HOUSE FILE 2378** - Medical Assistance Trusts — Payment Rates
SEE HUMAN SERVICES. This Act relates to the disposition of the property received or held by a medical assistance income trust, also known as Miller Trusts.
- HOUSE FILE 2397** - Actions to Abate Nuisances — Electric Utilities — Comparative Fault
SEE ENERGY & PUBLIC UTILITIES. This Act provides that an electric utility may assert a defense of comparative fault in an action to abate a nuisance against the utility if the electric utility has complied with engineering and safety standards and if the electric utility has secured all required permits and approvals.
- HOUSE FILE 2441** - Spanish Language Interpreter Qualifications
SEE HUMAN SERVICES. This Act relates to the development of a mechanism by the Commission of Latino Affairs to ensure Spanish language interpreter qualifications and relates to providing a list of such interpreters to specified state agencies.
- HOUSE FILE 2462** - Child Welfare Pilot Projects
SEE CHILDREN & YOUTH. This Act requires the Department of Human Services to implement two types of child welfare pilot projects.

- HOUSE FILE 2476** - Communicable Diseases Affecting Poultry — Pathogenic Viruses
SEE AGRICULTURE. This Act regulates certain pathogens affecting poultry, including avian paramyxovirus, commonly referred to as Newcastle disease, and avian influenza. The Act establishes a number of civil penalties imposed on persons who own poultry, operate establishments, or participate in certain activities which create a risk that the pathogen may spread. It also allows the Department of Agriculture and Land Stewardship or a local law enforcement officer to confiscate and destroy poultry as part of an enforcement action.
- HOUSE FILE 2481** - Child in Need of Assistance Dispositional Orders
SEE CHILDREN & YOUTH. This Act expands the circumstances by which, and the grounds upon which, the juvenile court may modify, vacate and substitute, or terminate a child in need of assistance dispositional order.
- HOUSE FILE 2544** - Real Estate Records and Transactions
SEE LOCAL GOVERNMENT. This Act broadens the \$5 fee collected by the county auditor for each property transfer to include any instrument that unconditionally conveys real estate.
- HOUSE FILE 2555** - Public Health Programs and Regulation — Additional Provisions
SEE HEALTH & SAFETY. This Act makes changes in programs under the purview of the Iowa Department of Public Health and authorizes the Board of Mortuary Science Examiners to impose civil penalties upon a finding of unlicensed practice.
- HOUSE FILE 2581** - Miscellaneous Economic Development, Taxation, Regulatory, and Employment-Related Changes — EXTRAORDINARY SESSION
SEE ECONOMIC DEVELOPMENT. Division III of the Act reaffirms and reenacts provisions pertaining to supersedeas bonds, including provisions contained in 2004 Iowa Acts, S.F. 2306. The Act takes effect September 7, 2004.

CIVIL LAW, PROCEDURE AND COURT ADMINISTRATION

SENATE FILE 344 - Appeal Bonds — Monetary Limits — VETOED BY THE GOVERNOR

BY COMMITTEE ON BUSINESS AND LABOR RELATIONS. This bill related to monetary limits on appeal bonds in civil cases, and would have provided that if a civil judgment or order appealed from in a district court proceeding is for money, an appeal bond could not exceed the lesser of 110 percent of the amount of the money judgment or \$25 million.

SENATE FILE 371 - Recording of Documents or Instruments by County Recorder — Fees and Standards

BY COMMITTEE ON LOCAL GOVERNMENT. This Act specifies formatting standards for documents or instruments that are presented for recording by the county recorder. Each document or instrument, except a survey and plat or a drawing related to a survey or plat, is to be presented for recording with writing, printing or drawing only on one side of the page; each page is to be no larger than eight and one-half inches in width and 14 inches in length; and each page is to be of white paper of not less than 20-pound weight without watermarks. All preprinted text is to be at least eight point in size and no more than 20 characters and spaces per inch. All other text typed or computer generated, including all names of parties to an agreement, shall be at least 10 point in size and no more than 16 characters and spaces per inch. If a document or instrument is presented for recording with preprinted text smaller than 8 point and 10 point type for all other text, the document or instrument shall be accompanied by an exact typewritten or printed copy that meets type size requirements. All signatures on a document or instrument shall be in black or dark blue ink and of sufficient color and clarity to ensure that the signatures are readable when the document or instrument is reproduced. Each document or instrument shall have a top margin of at least three inches of vertical space from left to right, which shall be reserved for the recorder's use. All other margins shall be a minimum of three-fourths of one inch.

Each document or instrument containing any of the following information shall have that information on the first page of the document or instrument below the three-inch margin: the name, address, and telephone number of the preparer, the name and complete address of a taxpayer for any document or instrument of conveyance, a return address, the title of a document or instrument, all grantors' or grantees' names, an address required by statute, the legal description of the property and parcel identification number, or a document or instrument number for statutory requirements. If there is insufficient space on the first page for all of the above information, the page reference of the document or instrument where the information is located shall be noted on the first page.

The following documents or instruments are exempt from the formatting requirements: a military separation document or instrument; a document or instrument executed outside the United States; a certified copy of a vital record issued by a governmental agency; a document or instrument where one of the original parties is deceased or otherwise incapacitated; a document or instrument formatted to meet court requirements; a federal tax lien; a filing under the Uniform Commercial Code; or a document or instrument which is signed before July 1, 2004. Senate File 2298 (see Appropriations) amends this portion of the Act to change the signing date for exempt documents to July 1, 2005, to correspond with the other dates cited in the Act.

A document or instrument rejected for recording by the county recorder shall be returned to the preparer or presenter with an explanation of the reason for rejection.

On or after July 1, 2005, a document or instrument that does not conform to the format standards shall not be recorded except upon payment of an additional recording fee of \$10 per document or instrument. The additional recording fee applies only to documents or instruments dated on or after July 1, 2005, and does not apply to exempt documents or instruments.

SENATE FILE 2167 - Descent and Distribution of Property — Disclaimers of Powers, Rights, or Interests in Property and Medical Assistance Benefits Recovery

BY COMMITTEE ON JUDICIARY. This Act relates to the Iowa Probate Code, including provisions relating to estate recovery of medical assistance benefits, the power to disclaim property interests, and trusts.

HUMAN SERVICES. Changes made in the area of human services allow the Department of Human Services to obtain funds in satisfaction of a decedent's medical assistance debts when no successor affidavit has been presented to the court in which the decedent's estate is being administered.

IOWA PROBATE CODE. Changes made in the area of probate include the creation of the "Iowa Uniform Disclaimer of Property Interest Act," which replaces current Code Section 633.704 relating to the same subject. The Act applies to disclaimers of any interest in or power over property, including disclaimers used for tax planning purposes; defines "disclaimant," "disclaimed interest," and "disclaimer" and provides that any disclaimer which is qualified for estate and gift tax

purposes under the Internal Revenue Code is also a valid disclaimer; specifies an interest may be disclaimed even if vested; makes ineffective any attempt to limit the right to disclaim which the creator of the interest or nonfiduciary power seeks to impose on a person; specifies the formal requirements of a disclaimer, and specifically allows a partial disclaimer; specifies that a disclaimer is irrevocable on the later date to occur of either delivery or filing, or the effective date of the disclaimer, and provides that a disclaimer must be irrevocable in order to be a qualified disclaimer for tax purposes; provides certain rules related to the effect of a disclaimer on present and future interests, certain rules related to a disclaimer of rights of survivorship in jointly held property, a disclaimer of interest by a trustee, a disclaimer of a power of appointment or other power not held by a fiduciary, a disclaimer by an appointee, object, or taker in default of an exercise of a power of appointment, and a disclaimer by a fiduciary; specifies certain rules related to the delivery or filing of a disclaimer; and specifies certain circumstances under which a disclaimer is barred or limited.

The Act further provides that a disclaimer under the provisions of the Act constitutes a transfer of assets for the purpose of determining eligibility for medical assistance benefits under Code Chapter 249A in an amount equal to the value of the property, interest or right disclaimed.

IOWA TRUST CODE. The Act specifies certain amendments relating to the Trust Code. The Act provides that burial, funeral and perpetual trusts are exempted from the Trust Code; specifies the circumstances under which a spendthrift trust is created to restrain both voluntary and involuntary transfers of the beneficiary's interest, and circumstances under which such a trust may be available to a creditor; provides for an award of attorney fees and costs in a judicial proceeding involving the administration of a trust; and provides that in the absence of contrary evidence, discretionary language granting a trustee discretion to make or withhold a distribution shall prevail over any language indicating that the beneficiary may have a legally enforceable right to distributions or indicating a standard for payments or distributions.

SENATE FILE 2193 - Sexually Violent Offenses — Insanity of Defendant — Civil Commitment

BY COMMITTEE ON JUDICIARY. This Act provides that if a sexually violent predator petition is filed, and the person is found not guilty by reason of insanity for a sexually violent offense, the court shall determine whether the acts charged were proven as a matter of law. Under the Act, if as a matter of law the finding of not guilty by reason of insanity requires a finding that the underlying elements of the charge were proven, then no further fact-finding is required and the person shall be subject to civil commitment as a sexually violent predator. However, the Act provides that if as a matter of law the finding of not guilty by reason of insanity does not require a finding that the underlying elements of the charge be proven, the case shall proceed as if the person were incompetent under Code Section 229A.7 to determine whether the person should be committed as a sexually violent predator.

SENATE FILE 2199 - Landlord-Tenant Law — Dangerous Activities of Tenant — Notice of Termination and Notice to Quit

BY COMMITTEE ON JUDICIARY. This Act relates to residential landlord-tenant law by making certain changes related to family violence and domestic abuse.

The Act provides that a landlord under Code Chapter 562A, Uniform Residential Landlord-Tenant Law, or 562B, Manufactured Home Communities or Mobile Home Parks Residential Landlord and Tenant Law, must provide specific information in a written notice of termination and notice to quit to a tenant relating to the tenant's activities that are alleged to create a clear and present danger to the health or safety of other tenants, the landlord, the landlord's employee or agent, or other persons on or within 1,000 feet of the landlord's property. Such notice shall also include a statement of the law with regard to actions the tenant may take if other persons are responsible for the clear and present danger, such as seeking a protective order or filing a report with law enforcement. Such actions may render the termination and notice to quit inapplicable to the tenant.

SENATE FILE 2230 - Claims Resulting From Contaminated Property — Third-Party Liability — VETOED BY THE GOVERNOR

BY COMMITTEE ON COMMERCE. This bill related to immunity from third-party liability for claims resulting from contaminated property. Division V of H.F. 2484 (see Business, Banking & Insurance) enacts similar legislation that takes effect May 6, 2004.

The bill would have provided that a person who holds indicia of ownership of property contaminated by a hazardous substance, hazardous waste, or regulated substance, and who satisfies certain ownership-related requirements, would not be liable to any third party for any third-party liability arising from such contamination.

The bill would have provided that a person who acquired property contaminated by a hazardous substance, hazardous waste, or regulated substance would not be liable to any third party for any third-party liability arising by reason of such contamination, provided that the person does not knowingly cause or permit a new or additional hazardous substance,

hazardous waste, or regulated substance to arise on or from the acquired property that injures a third party or contaminates property owned or leased by a third party, and the person is not a potentially responsible party or affiliated with any potentially responsible party by reason of certain relationships.

The bill would have required a person who holds indicia of title to property or a person who acquired property to provide reasonable access to the acquired property to any potentially responsible party or to any authorized regulatory authority for the purpose of investigating or evaluating any contamination, planning, or preparing a remedial plan for any abatement of the contamination, and for any required remediation.

SENATE FILE 2234 - Child Custody and Visitation

BY COMMITTEE ON JUDICIARY. This Act provides that in order to encourage parent compliance with a child visitation order, a temporary order for custody is to provide for a minimum visitation schedule with the noncustodial parent, unless the court determines that such visitation is not in the best interest of the child. The Act also allows a father to petition, during the same action as that which establishes paternity, for rights of visitation or custody.

SENATE FILE 2266 - Environmental Status of Rental Property — Landlord Disclosure

BY COMMITTEE ON JUDICIARY. This Act relates to landlord disclosure requirements regarding the environmental status of rental property.

The Act provides that the landlord or a person authorized to enter into a rental agreement on behalf of the landlord shall disclose to each tenant in writing before the commencement of the tenancy if the property is listed in the Comprehensive Environmental Response Compensation and Liability Information System maintained by the federal Environmental Protection Agency.

SENATE FILE 2306 - Civil Actions — Appeal Bonds

BY IVERSON AND GRONSTAL. This Act relates to civil action appeal bonds including monetary limits.

The Act provides that if a civil judgment or order appealed from in a civil action is for money, an appeal bond may exceed 110 percent of the amount of the money judgment if the court makes specific findings justifying exceeding such an amount. In doing so, the court shall consider certain criteria, but in no case shall an appeal bond exceed \$100 million, regardless of the value of the money judgment. However, such limit shall not apply in cases where the court finds that the defendant intentionally dissipated the defendant's assets outside the ordinary course of business for the purpose of evading payment of the judgment.

The Act takes effect April 20, 2004, and applies to cases pending and filed on or after that date.

HOUSE FILE 22 - Custody and Care of Children — Awards of Physical Care

BY BODDICKER. This Act provides that if joint legal custody of a child is awarded to both parents, the court may award joint physical care to both joint custodial parents upon the request of either parent. If the court denies the request for joint physical care, the court must provide specific findings of fact and conclusions of law that the awarding of joint physical care is not in the best interest of the child.

HOUSE FILE 2170 - Product Liability Actions

BY COMMITTEE ON JUDICIARY. This Act relates to product liability actions.

The Act provides that an assembler, designer, supplier of specifications, distributor, manufacturer, or seller shall not be subject to liability for failure-to-warn claims in product liability actions for product risks and risk-avoidance measures obvious to or generally known by foreseeable product users.

The Act further provides that in any action against an assembler, designer, supplier of specifications, distributor, manufacturer, or seller for damages arising from an alleged defect in packaging, warning or labeling of a product, a product bearing or accompanied by a reasonable and visible warning or instruction and that is reasonably safe for use if the warning or instruction is followed shall not be deemed defective or unreasonably dangerous on the basis of failure to warn or instruct.

HOUSE FILE 2176 - Termination of Parental Rights — Abandonment of Child

BY COMMITTEE ON JUDICIARY. This Act addresses the criteria used for the determination of abandonment of a child by a putative father as one of the grounds for termination of parental rights and applies the criteria in determining abandonment to both parents. The Act provides that a parent is deemed to have abandoned a child for the purpose of the grounds for termination section of the Code based on meeting certain criteria and based on the age of the child. Certain criteria still apply only with regard to the deeming of abandonment of a child by a putative father.

HOUSE FILE 2325 - Criminal Procedure — Ineffective Assistance of Counsel Claims — Direct Appeals

BY COMMITTEE ON JUDICIARY. This Act relates to raising an ineffective assistance of counsel claim in a criminal case against an attorney in a postconviction proceeding or on direct appeal. An ineffective assistance claim generally alleges that a defendant's conviction resulted from the ineffective assistance of the defendant's counsel, and the ineffective assistance of counsel is the proximate cause of the damage to the defendant.

The Act provides that an ineffective assistance of counsel claim shall generally be determined by filing an application for postconviction relief pursuant to Code Chapter 822. The Act provides that the claim need not be raised on direct appeal in order to preserve the claim for postconviction relief purposes. Current law provides that a person must raise an ineffective assistance of counsel claim on direct appeal from the criminal proceedings in order to preserve a claim for postconviction relief.

A party under the Act may raise an ineffective assistance of counsel claim on direct appeal if the party has reasonable grounds to believe that the record is adequate to address the claim on direct appeal. However, the Act provides that the court has the option to decide the claim for postconviction relief purposes under Code Chapter 822.

HOUSE FILE 2396 - Settlement Offer Prior to Trial — VETOED BY THE GOVERNOR

BY COMMITTEE ON JUDICIARY. This bill would have limited recovery of prejudgment interest in any pending or proposed civil action where an offer to confess judgment is made, but is not accepted, and a subsequent trial results in a judgment that is less than the amount in the offer to confess judgment. In such a case, no prejudgment interest would be calculated or recoverable after the date of the offer to confess judgment.

HOUSE FILE 2440 - Noneconomic Damage Limit — Medical Malpractice Cases — VETOED BY THE GOVERNOR

BY COMMITTEE ON COMMERCE, REGULATION AND LABOR. This bill would have created a "Noneconomic Damage Awards Against Health Care Providers Act."

The bill provided that in a civil action for damages for injury or death against a health care provider, defined as a physician, advanced registered nurse practitioner, hospital, or health care facility, arising out of an act or omission in connection with the provision of health care services, the injured plaintiff would be entitled to recover noneconomic damages not to exceed \$250,000, except in cases where the plaintiff proved the defendant acted with malicious intent. "Noneconomic damages" was defined as damages arising from pain, suffering, inconvenience, physical impairment, mental anguish, emotional pain and suffering, loss of chance and loss of consortium, and any other nonpecuniary damages. The Governor item voted a provision in S.F. 2298 (see Appropriations) that would have amended the bill to expand the definition of "health care provider" to include a licensed physician assistant, a nurse, and a federally licensed, regulated or registered nonprofit blood bank, blood center, or plasma center.

HOUSE FILE 2450 - Real Property — Conveyances and Other Transfers — Marketable Record Title

BY COMMITTEE ON JUDICIARY. This Act relates to real property, including acknowledgments of real property conveyances and limitations on causes of action concerning real property.

The Act repeals the acknowledgment provisions in Code Chapter 558 relating to real property conveyances and, by operation of law, makes similar acknowledgment provisions contained in Code Chapter 9E, relating to notarial acts, the sole acknowledgment requirements.

The Act also amends Code Chapter 614, relating to limitations of actions, to make provisions relating to the Code chapter division on marketable record title applicable to the entire Code chapter. The provisions made applicable to the entire chapter are those relating to definitions, liberal construction, rights upon expiration of a lease, extension of limitation statutes, and 40-year period extension in certain cases.

HOUSE FILE 2455 - Marriage and Domestic Relations Requirements — VETOED BY THE GOVERNOR

BY COMMITTEE ON HUMAN RESOURCES. This bill would have required that the application for a license to marry have attached a certificate form to be used by the parties completing the application to document completion of premarital education. The bill also would have required the parties to a petition for dissolution of marriage, annulment, or separate maintenance that involves minor children, or to an application for a motion to modify an order involving custody or visitation, beginning October 1, 2004, to submit a proposed parenting plan within 30 days after service of process of the petition or application.

HOUSE FILE 2527 - Birth Certificate Copies — Biological Parents

BY COMMITTEE ON HUMAN RESOURCES. This Act provides that the mailing of a certified copy of the certificate of birth to a biological parent is not precluded by the execution of a release of custody under the Termination of Parental Rights

Code chapter and that, upon the request of a biological parent, such certificate shall be provided to the biological parent unless the parental rights of the biological parent are terminated. The Act also directs the clerk of the juvenile court to send a copy of the termination of parental rights order to the State Registrar for the purposes of determining the status of the parental rights of a biological parent requesting a certified copy of the certificate of birth.

HOUSE FILE 2528 - Modification of Child Custody Orders — Entry of Juvenile Court Dispositional Order

BY COMMITTEE ON HUMAN RESOURCES. This Act allows the district court to consider a juvenile court custody order entered pursuant to Code Chapter 232 when modifying custody or support orders made pursuant to Code Chapter 598.

HOUSE FILE 2530 - Criminal Penalty Surcharges

BY COMMITTEE ON JUDICIARY. This Act requires that the drug abuse resistance education surcharge and the law enforcement initiative surcharge be remitted by the clerk of the district court to the State Court Administrator just as the criminal penalty surcharge is currently. Under current law the clerk of the district court remits the drug abuse resistance surcharge and the law enforcement initiative surcharge to the Treasurer of State.

The Act also requires that the drug abuse resistance education and law enforcement initiative surcharges be imposed on all applicable offenses.

The Act reorganizes Code Chapter 911 by creating a separate Code section for each surcharge, but does not create a new surcharge, change the surcharge amount that can be assessed for a criminal offense, or change the distribution of the revenue from the surcharges.

HOUSE FILE 2533 - Domestic Abuse Protective Orders and Court-Approved Consent Agreements

BY COMMITTEE ON JUDICIARY. This Act relates to protective orders filed under the Domestic Abuse Act.

The Act eliminates the requirement to indicate on a standard pro se protective order form that a plaintiff in a domestic abuse action wishes to proceed pro se because the plaintiff does not have sufficient funds to pay the filing and service fees.

The Act provides that a person may be convicted of a simple misdemeanor or held in contempt of court for a violation of a valid foreign protective order. A "foreign protective order" includes certain temporary or permanent protective orders entered by a court of another state, Indian tribe, or U. S. territory, orders to vacate the homestead, orders that establish conditions of release, or sentencing orders in criminal prosecutions arising from a domestic abuse assault. Such person convicted or held in contempt is required to serve a jail sentence. A simple misdemeanor is punishable by confinement for no more than 30 days and may include a fine of at least \$50 but not more than \$500. Contempt of court is punishable by confinement for no more than six months and may include a fine of at least \$500.

The Act specifies that if a magistrate finds probable cause to believe that a person has violated an order or approved consent agreement relating to a domestic abuse assault, the magistrate shall order the person to appear either before the court which issued the original order or approved the consent agreement, or before the court in the jurisdiction where the alleged violation occurred.

HOUSE FILE 2572 - Administration of Courts and Judicial Proceedings

BY COMMITTEE ON WAYS AND MEANS. This Act relates to the procedures and duties of the clerk of the district court and the judicial branch.

The Act makes the State Records and Archives Act in Code Chapter 305 applicable to the executive and legislative branches exclusively.

The Act provides that a person issued a citation for failing to carry their driver's license while operating a motor vehicle shall not be convicted of this offense if the person produces their driver's license to the clerk of the district court prior to going to court. Current law provides that a person shall not be convicted of failing to carry their driver's license while operating a motor vehicle if the person presents their license at the time of the person's arrest or at the time the person is charged with failing to carry a driver's license while operating a motor vehicle.

The Act equalizes the fee for certifying a change of title in an estate with other change of title certifications by increasing the change of title certification fee in an estate from \$10 to \$20.

The Act creates a fee for filing a motion to show cause in a criminal case. The fee shall be the same as the fee for filing and docketing a complaint, information or citation for the underlying criminal case from which the motion arises.

The Act provides that the clerk of the district court may have employees when authorized. Current law provides that the clerk of the district court may employ deputies, assistants and clerks.

The Act requires the executor or administrator of an estate to deliver certificates pertaining to each parcel of real estate to the county recorder.

The Act repeals Code Section 636.13, which requires the clerk of the district court to keep a book of surety company certificates and revocations.

HOUSE FILE 2579 - Appeals From Condemnation Proceedings — Damage Awards — Interest

BY GIPP. This Act provides that when an award of damages in a condemnation proceeding is appealed to district court, the sheriff shall transfer to the clerk of the district court where the appeal is taken the balance of the award not paid to the claimant. The Act requires the clerk of the district court to deposit the balance of the award in an interest-bearing account. When rendering judgment on assessment of court costs, the district court shall award the interest earned on the account.

CRIMINAL LAW, PROCEDURE AND CORRECTIONS

- SENATE FILE 2101 - Controlled Substance Violations — Receipt or Possession of Precursor or Other Substances — Intent
- SENATE FILE 2148 - Motor Fuel Theft — VETOED BY THE GOVERNOR
- SENATE FILE 2154 - Failure to Obey School Bus Warning Devices — Citations
- SENATE FILE 2272 - Confinement of Dangerous or Mentally Incompetent Persons
- SENATE FILE 2275 - Crimes and Criminal Sentencing
- HOUSE FILE 250 - Assaults on Board of Parole Members or Employees and Department of Human Services Employees
- HOUSE FILE 265 - Operating While Intoxicated — Withdrawal of Bodily Specimens
- HOUSE FILE 561 - Invasion of Privacy
- HOUSE FILE 2138 - Indigent Defense — Appointment and Payment of Legal Counsel
- HOUSE FILE 2146 - Sex Offender Registration Requirements — Incest Committed Against Dependent Adult
- HOUSE FILE 2149 - Venue for Trial of Simple Misdemeanors — Cities in Two or More Counties
- HOUSE FILE 2259 - Pseudoephedrine — Sale, Purchase, or Theft — Penalties
- HOUSE FILE 2367 - Corrections System — Presentence Investigations and Inmate Labor Fund
- HOUSE FILE 2395 - Intellectual Property Counterfeiting
- HOUSE FILE 2399 - Theft — Multiple Acts and Locations
- HOUSE FILE 2493 - Unused Property Markets — Regulation of Sales
- HOUSE FILE 2516 - Notarial Acts — Certifications of Uniform Citation and Complaints
- HOUSE FILE 2522 - Sexual Abuse — Evidence
- HOUSE FILE 2558 - Crimes Against Homo Sapiens at Any Stage of Development — VETOED BY THE GOVERNOR

RELATED LEGISLATION

- SENATE FILE 2066 - Motor Vehicle Safety — Child Restraint Systems
SEE TRANSPORTATION. This Act revises requirements for the use of child restraint systems and safety belts for children being transported in motor vehicles and provides for an 18-month phase-in of the new law.
- SENATE FILE 2070 - Motor Vehicle Regulations and State Transportation Department Duties and Activities
SEE TRANSPORTATION. This Act allows stolen vehicle reports from the National Motor Vehicle Title Information System to be included in the state's file of stolen or embezzled vehicles and allows for electronic notification of recovered vehicles.
- SENATE FILE 2166 - Child Endangerment — Death of a Child or Minor
SEE CHILDREN & YOUTH. This Act provides that a child endangerment offense resulting in the death of a child or minor is a class "B" felony. The Act includes the same enhanced penalty provision as exists for the current class "B" child endangerment felony offense in that the term of confinement is not more than 50 years, rather than the usual maximum sentence for a class "B" felony, which is 25 years.
- SENATE FILE 2193 - Sexually Violent Offenses — Insanity of Defendant — Civil Commitment
SEE CIVIL LAW, PROCEDURE & COURT ADMINISTRATION. This Act provides that if a sexually violent predator petition is filed and the person was previously found not guilty by reason of insanity for a sexually violent criminal offense, the court shall determine whether the elements of the sexually violent criminal offense were proven as a matter of law; if so proven, no further fact-finding is required in the civil commitment proceeding.

- SENATE FILE 2199** - Landlord-Tenant Law — Dangerous Activities of Tenant — Notice of Termination and Notice to Quit
SEE CIVIL LAW, PROCEDURE & COURT ADMINISTRATION. This Act specifies that a residential tenant involved in a family violence or domestic abuse situation shall receive specific information in a landlord's written notice of termination and notice to quit relating to the tenant's activities that are alleged to create a clear and present danger to other affected persons. Such information shall include actions the tenant may take to make the termination and notice to quit inapplicable to the tenant if other persons are responsible for the clear and present danger.
- SENATE FILE 2249** - Contests or Exhibitions Involving Animals
SEE AGRICULTURE. This Act amends Code Chapter 717D, which prohibits activities related to contests involving animals, and enhances the chapter's criminal penalties.
- SENATE FILE 2269** - Elections and Voter Registration
SEE ELECTIONS, ETHICS & CAMPAIGN FINANCE. This Act makes criminal penalties applicable to certain types of election misconduct. The Act takes effect April 16, 2004, and applies to elections held on or after September 15, 2004.
- SENATE FILE 2288** - Federal Block Grant Appropriations
SEE APPROPRIATIONS. This Act appropriates federal block grant and other nonstate moneys to state agencies for the federal fiscal year beginning October 1, 2004, and ending September 30, 2005. The Act includes funding for various programs involving criminals and corrections, including Drug Control and System Improvement, Local Law Enforcement, and Stop Violence Against Women Block Grants.
- SENATE FILE 2298** - Government Funding, Administration, and Regulation — Appropriations and Miscellaneous Changes
SEE APPROPRIATIONS. Division IX of this Act creates an Iowa Offender Network Fund under the control of the Department of Corrections, requires the department to coordinate and provide information to the counties on available jail space on a statewide basis, permits the department to retain portions of inmate earnings for supervising inmates working in the private sector, provides that a person may not be prematurely discharged from probation unless the person has paid any court-appointed attorney fees and supervision fees, and provides for changes in the distribution of certain delinquent fines and costs collected by the county attorney which under current law would have gone to the state.
- Division XXV revises requirements for release of Sex Offender Registry information.
- HOUSE FILE 2150** - Child Endangerment — Possession or Manufacture of Specified Controlled Substances
SEE CHILDREN & YOUTH. This Act establishes a new child endangerment criminal offense for permitting the presence of a child or minor at a location where amphetamine or methamphetamine is manufactured or possessed with intent to manufacture but there was not a serious injury to the child.
- HOUSE FILE 2200** - Arson and Fire Safety Regulation
SEE HEALTH & SAFETY. This Act amends the definitions of arson and use of explosive or incendiary devices.
- HOUSE FILE 2207** - Substantive Code Corrections
SEE STATE GOVERNMENT. This Act contains statutory corrections that adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities. Changes made include changes to provisions relating to inspections of jails, local government reimbursement for prisoner expenses, the Interstate Compact for Adult Offender Supervision, the crime of abandonment of a vehicle, distribution of meat from hunters to Department of Corrections facilities, scheduled violations for certain traffic offenses, and no-contact orders issued in judgment and sentencing proceedings.

- HOUSE FILE 2325** - Criminal Procedure — Ineffective Assistance of Counsel Claims — Direct Appeals
SEE CIVIL LAW, PROCEDURE & COURT ADMINISTRATION. This Act relates to raising an ineffective assistance of counsel claim in a criminal case against an attorney in a postconviction proceeding or on direct appeal.
- HOUSE FILE 2327** - Child Abuse Assessment and Training
SEE CHILDREN & YOUTH. This Act relates to child abuse assessment requirements involving notification of parents, interviews of persons alleged to have committed child abuse, and the training of child protection workers employed by the Department of Human Services.
- HOUSE FILE 2351** - Waste Tire Management — Enforcement
SEE ENVIRONMENTAL PROTECTION. This Act requires the Attorney General, upon the request by the Department of Natural Resources, to institute any civil or criminal legal proceeding necessary to obtain compliance with an order of the Environmental Protection Commission or the department's director to prosecute a person for violating the Code section, or any rule adopted pursuant to the section, regulating waste tire disposal.
- HOUSE FILE 2352** - Illegal Dumping Enforcement Officers
SEE ENVIRONMENTAL PROTECTION. This Act establishes a penalty for willfully obstructing, resisting, impeding, or interfering with an illegal dumping enforcement officer in connection with the officer's enforcement duties, and for willfully retaliating or discriminating against such an officer.
- HOUSE FILE 2471** - Detention of Out-of-State Prisoners
SEE LOCAL GOVERNMENT. This Act allows a prisoner in another state who has not been charged with a crime in this state to be detained or committed in a county jail in this state. The Act takes effect April 28, 2004.
- HOUSE FILE 2476** - Communicable Diseases Affecting Poultry — Pathogenic Viruses
SEE AGRICULTURE. This Act regulates certain pathogens affecting poultry, including avian paramyxovirus, commonly referred to as Newcastle disease, and avian influenza. The Act establishes a number of civil penalties imposed on persons who own poultry, operate establishments, or participate in certain activities which create a risk that the pathogen may spread. It also allows the Department of Agriculture and Land Stewardship or a local law enforcement officer to confiscate and destroy poultry as part of an enforcement action.
- HOUSE FILE 2480** - Use of Pets As Prizes
SEE AGRICULTURE. This Act provides that a person is guilty of a simple misdemeanor if the person awards a pet or advertises that a pet may be awarded as a prize.
- HOUSE FILE 2486** - Crimes Against Agricultural Production
SEE AGRICULTURE. This Act amends Code Chapter 717A, which prohibits a person from destroying property associated with agricultural production. The Act lowers the threshold for property damages required for conviction. It also makes it a crime to possess, transport or transfer a pathogen which may threaten the health of an animal or crop.
- HOUSE FILE 2496** - Physical Therapy — Use of Professional Titles and Other Designations
SEE HEALTH & SAFETY. This Act establishes the false use of certain titles related to physical therapy as a serious misdemeanor.
- HOUSE FILE 2506** - Electronic and Facsimile Prescriptions
SEE HEALTH & SAFETY. This Act makes existing penalties currently applicable to the forgery, alteration or falsifying of other types of prescriptions under Code Section 155A.24, applicable to electronic and facsimile prescriptions.
- HOUSE FILE 2530** - Criminal Penalty Surcharges
SEE CIVIL LAW, PROCEDURE & COURT ADMINISTRATION. This Act reorganizes Code Chapter 911 by creating a separate Code section for surcharges added to criminal penalties, and makes related Code changes.

- HOUSE FILE 2557** - Securities Regulation
SEE BUSINESS, BANKING & INSURANCE. This Act provides for the regulation of securities by revising Code Chapter 502, Iowa's "Blue Sky Law," as administered and enforced by the Securities Bureau of the Insurance Division of the Department of Commerce. The Act provides for enforcement mechanisms and civil and criminal penalties. The Act takes effect January 1, 2005.
- HOUSE FILE 2569** - Scheduled Violations — County Enforcement Surcharge
SEE LOCAL GOVERNMENT. This Act imposes a county enforcement surcharge of \$5 on fines or forfeitures imposed pursuant to citations issued by the county sheriff for state violations punishable as a scheduled fine if the board of supervisors authorizes the surcharge.
- HOUSE FILE 2572** - Administration of Courts and Judicial Proceedings
SEE CIVIL LAW, PROCEDURE & COURT ADMINISTRATION. This Act provides in part that a person issued a citation for failing to carry their driver's license while operating a motor vehicle shall not be convicted of this offense if the person produces their driver's license to the clerk of the district court prior to going to court.

CRIMINAL LAW, PROCEDURE AND CORRECTIONS

SENATE FILE 2101 - Controlled Substance Violations — Receipt or Possession of Precursor or Other Substances — Intent
BY COMMITTEE ON JUDICIARY. This Act amends the definition of the criminal offense of possessing a product for use in the unlawful manufacture of a controlled substance. The Act makes it unlawful for a person to possess any product listed in Code Section 124.401(4) with the intent the product be used to unlawfully manufacture a controlled substance. Current law makes it unlawful to possess such product with the intent to use the product to unlawfully manufacture a controlled substance. A person who unlawfully possesses such a product commits a class “D” felony.

The Act amends the definition of the criminal offense of receiving a precursor substance with the intent to unlawfully manufacture a controlled substance. The Act makes it unlawful for a person to receive a precursor substance listed in Code Section 124B.2 with the intent the substance be used to unlawfully manufacture a controlled substance. Current law makes it unlawful to receive a precursor substance with the intent to use the substance unlawfully to manufacture a controlled substance. A person who unlawfully receives a precursor substance commits a class “C” felony.

SENATE FILE 2148 - Motor Fuel Theft — VETOED BY THE GOVERNOR

BY COMMITTEE ON JUDICIARY. This bill would have allowed a court to order suspension of a person’s driver’s license or nonresident operating privilege in lieu of, or in addition to, any other penalty that may be imposed for theft of motor fuel not exceeding \$200 in value from a retail dealer. In a case of extreme hardship, the person whose driver’s license was ordered suspended could have petitioned the district court for a temporary restricted license to drive from the person’s home to specified places involving employment, health care, education, substance abuse treatment, or court-ordered community service.

The bill would not have changed existing law, which provides that theft of property not exceeding \$200 in value is a simple misdemeanor punishable by a fine of at least \$50 but not more than \$500, or by imprisonment for no more than 30 days, or by both.

SENATE FILE 2154 - Failure to Obey School Bus Warning Devices — Citations

BY COMMITTEE ON JUDICIARY. This Act provides that a peace officer investigating a school bus driver’s report of a motor vehicle that failed to obey school bus warning devices may issue a citation to the owner of the vehicle if the identity of the driver of the vehicle cannot be determined. In a court proceeding where the peace officer was not able to identify the driver of the vehicle, proof that the vehicle described in the citation was used to commit the violation, together with proof that the person named in the citation was the registered owner of the vehicle at the time the violation occurred, creates a permissible inference that the registered owner was the driver who committed the violation. Under the Act and in current law, the state is still required to prove beyond a reasonable doubt that the driver of the motor vehicle failed to obey a school bus warning device.

Failure to obey school bus warning devices is punishable as a scheduled violation subject to a \$100 fine.

SENATE FILE 2272 - Confinement of Dangerous or Mentally Incompetent Persons

BY COMMITTEE ON JUDICIARY. This Act relates to detaining criminal defendants who are mentally incompetent or who are dangerous to others or property.

CONFINEMENT OF DANGEROUS PERSONS. The Act moves Code Sections 812.1 and 812.2, relating to the confinement of dangerous persons, to Code Chapter 811, and makes some related changes. Current law and the Act provide that a person who is awaiting sentencing and who is suspected of being a danger to another person or property may be denied bail. The county attorney may file a verified ex parte motion requesting a detention hearing and asking the court for the immediate arrest of the defendant if the person is not already in custody. The Act provides that the detention hearing must be brought before a judge within 72 hours of the defendant’s arrest, or if the defendant is in custody, within 72 hours of the filing of the motion. If the court finds by clear and convincing evidence that the person is a danger to another person or property, the person shall be denied bail.

MENTAL INCOMPETENCY — SUSPENSION OF CRIMINAL PROCEEDINGS. The Act amends Code Chapter 812 relating to detaining a criminal defendant who is mentally incompetent to stand trial. The Act provides that at any stage of a criminal proceeding, the defendant or the defense attorney may make an application to the court stating specific facts showing that the defendant is suffering from a mental disorder and is not competent to stand trial. The Act also permits the court to make its own motion if the defendant or defense attorney in the criminal proceeding fails to make an application. The court shall schedule a hearing to determine if probable cause exists to sustain the allegations. If the court determines probable cause exists, current law and the Act provide that the court shall suspend further proceedings, the defendant’s right

to a speedy indictment and speedy trial is tolled, and a hearing must be held on the defendant's competency to determine whether the defendant appreciates the charge, understands the proceedings, and can effectively assist in the defendant's defense. The court shall order a psychiatric evaluation of the defendant, or if a recent evaluation exists, the court may use that evaluation in the competency hearing. The Act entitles any party to a separate evaluation by a psychiatrist of their own choosing.

The Act provides that a competency hearing shall be held within 14 days of the filing of the order for a psychiatric evaluation, or within five days of the filing of an application if a recent evaluation will be used in the hearing.

COMPETENCY HEARING. The Act provides that the court shall receive all relevant and material evidence at the competency hearing and the court shall not be bound by the rules of evidence. If the court finds the defendant is competent to stand trial, the court shall reinstate the criminal proceedings against the defendant. If the court, by a preponderance of the evidence, finds the defendant is suffering from a mental disorder which prevents the defendant from appreciating the charge, understanding the proceedings, or assisting effectively in the defense, the court shall suspend the criminal proceedings indefinitely and order the defendant to be placed in a treatment program.

PLACEMENT AND TREATMENT. Under the Act, at the conclusion of the competency hearing, if the court finds the defendant does not pose a danger to the public peace and safety, is qualified for pretrial release, and is willing to cooperate with treatment, the court shall order the person to undergo mental health treatment designed to restore the defendant to competency.

If the court finds by clear and convincing evidence that the defendant does pose a danger to the public peace and safety, or is not qualified for pretrial release, or does not cooperate with treatment, the court shall commit the defendant to an appropriate inpatient treatment facility. If the defendant poses a danger to the public peace and safety, or is not qualified for pretrial release, the defendant shall be committed as a safekeeper to the custody of the Director of the Department of Corrections for treatment. If the defendant does not pose a danger to the public peace and safety but is otherwise being held in custody, the defendant shall be placed in a facility operated by the Department of Human Services for treatment.

The defendant may refuse chemotherapy or other somatic treatments, but if the director believes such treatments are necessary to preserve the defendant's life or to appropriately control behavior, the defendant must take the treatments. If the defendant refuses chemotherapy or other somatic treatments during treatment ordered pursuant to the Act, the director of the facility treating the defendant may request an order from the court authorizing such treatment methods.

RESTORATION OF COMPETENCY. After being ordered to undergo treatment pursuant to the Act, the psychiatrist or doctorate-level psychologist providing outpatient treatment or the director of the facility providing inpatient treatment shall provide a status report to the court within the first 30 days of treatment, and at least every 60 days thereafter.

After placement, if the treating psychiatrist or doctorate-level psychologist finds there is a substantial probability the defendant has acquired the ability to appreciate the charge, understand the proceedings, and effectively assist in the defendant's defense, the psychiatrist or psychologist, or the director of the facility treating the defendant, shall notify the court, and a hearing shall be set on the defendant's competency within 14 days of being notified.

If there is a substantial probability the competency of the defendant will not be restored, the court shall also be notified, and a hearing shall be held within 14 days of the court being notified.

If the treating psychiatrist or doctorate-level psychologist finds the defendant would benefit from either a more restrictive or less restrictive placement for treatment, the psychiatrist or doctorate-level psychologist shall notify the court, and a hearing shall be set on the matter by the court within 14 days of being notified.

RESTORATION OF COMPETENCY HEARING. Fourteen days after receiving a notice that there is a substantial probability that the competency of the defendant has been restored, or there is a substantial probability the defendant's competency will not be restored or the appropriate level of treatment should be modified, the court shall hold a restoration of competency hearing. Under the Act, if the court finds the defendant's competency has been restored, the court shall terminate the placement pursuant to the Act and restore the criminal proceedings against the defendant. If the court finds by a preponderance of the evidence that the defendant's competency has not been restored but finds the defendant is making progress in regaining competency, the court shall continue the placement. The court may change the placement to a more restrictive or less restrictive placement if proven by clear and convincing evidence. If the court finds there is a substantial probability the defendant's competency will not be restored in a reasonable amount of time, the court shall terminate the placement.

LENGTH OF PLACEMENT AND OTHER PROCEEDINGS. A defendant shall not be placed pursuant to the Act for a period greater than the maximum term of confinement for the criminal offense for which the defendant is accused or 18 months, whichever is shorter. If the length of the defendant's placement equals the maximum length of the term of confinement for which the defendant is accused, the criminal offense shall be dismissed by the court with prejudice. When the defendant's placement equals 18 months, the court shall schedule a hearing to determine whether the competency of the defendant has been restored. If the defendant's mental competency has not been restored, the court shall terminate the placement of the defendant.

The Act provides that if placement is terminated, the state may commence civil commitment proceedings under Code Chapter 229 or 229A. After termination of the placement, if the criminal proceedings have not been dismissed with prejudice, the state may seek to file an application seeking to reinstate the criminal proceedings if it appears the competency of the defendant has been restored.

SENATE FILE 2275 - Crimes and Criminal Sentencing

BY COMMITTEE ON JUDICIARY. This Act provides that a person sentenced to an 85 percent sentence prior to July 1, 2003, may be eligible for parole or work release after serving seven-tenths of the maximum term of confinement. The Act does not change the maximum amount of earned time that can be earned by a person serving an 85 percent sentence; thus if a person is not released on parole or work release, the person shall serve approximately 85 percent of the sentence in confinement. Current law provides that a person serving an 85 percent sentence after July 1, 2003, is eligible for parole or work release after serving seven-tenths of the maximum term of confinement.

A person paroled or placed on work release under the Act shall not be discharged from parole or work release until the entire sentence is served less any time earned.

HOUSE FILE 250 - Assaults on Board of Parole Members or Employees and Department of Human Services Employees

BY COMMITTEE ON PUBLIC SAFETY. This Act amends Code Section 708.3A relating to an assault on a peace officer, jailer, correctional staff, health care provider, or fire fighter. The Act adds a "member or employee of the Board of Parole" and an "employee of the Department of Human Services" to the list of occupations covered under Code Section 708.3A. The Act effectively increases the penalty for most assaults on a member or employee of the Board of Parole or an employee of the Department of Human Services (DHS). However, the Act does not increase the penalty for a class "D" felony assault.

The Act provides that if a person assaults a member or employee of the Board of Parole or a DHS employee with the intent to inflict serious injury or uses or displays a dangerous weapon in connection with the assault, that person commits a class "D" felony. If a person assaults a member or employee of the Board of Parole or a DHS employee, and causes bodily injury or mental illness, that person commits an aggravated misdemeanor and if the person commits any other type of assault, that person commits a serious misdemeanor.

The Act defines an "employee of the Department of Human Services" to mean a person who is an employee of an institution controlled by the department or who is an employee of the civil commitment unit for sex offenders.

HOUSE FILE 265 - Operating While Intoxicated — Withdrawal of Bodily Specimens

BY COMMITTEE ON PUBLIC SAFETY. This Act relates to the warrantless withdrawal of blood from a person under arrest for a drunk driving-related violation resulting from a motor vehicle accident that causes a death or injury reasonably likely to cause a death. The Act provides that the person's blood may be withdrawn without the person's consent to determine the amount of alcohol or controlled substance in the person's blood if all the following criteria are met:

- ? The person involved in the foregoing circumstances does not object.
- ? The peace officer reasonably believes the blood drawn will produce evidence of intoxication.
- ? The method used to withdraw the blood is performed in a reasonable manner and pursuant to statutory requirements.
- ? The peace officer reasonably believes the situation to be an emergency.

If the person objects to the withdrawal of blood, a breath or urine sample may be taken if the person is capable of submitting to a breath test and a testing instrument is available, unless the peace officer involved in the situation has reasonable grounds to believe the person was under the influence of a controlled substance or a drug, in which case a urine sample shall be collected from the person.

HOUSE FILE 561 - Invasion of Privacy

BY COMMITTEE ON JUDICIARY. This Act provides that a person who knowingly views, photographs or films another person for the purpose of arousing or gratifying the sexual desires of any person while the other person is in a state of full or partial nudity commits invasion of privacy under certain circumstances.

A person commits invasion of privacy if the person being viewed, photographed or filmed does not consent or is unable to consent to being viewed, photographed or filmed; the person is in a state of full or partial nudity; and the person has a reasonable expectation of privacy. The Act defines “full or partial nudity” to mean a showing of genitals, pubic area, buttocks, or female nipple.

A person who commits invasion of privacy is guilty of a serious misdemeanor.

HOUSE FILE 2138 - Indigent Defense — Appointment and Payment of Legal Counsel

BY COMMITTEE ON JUDICIARY. This Act provides that a nonprofit organization may contract with the State Public Defender to provide legal services to indigent persons.

If an attorney has been retained or agreed to represent a person and subsequently applies to the court for appointment to represent the person as an indigent, the attorney must provide the State Public Defender with any representation agreement and information on any moneys earned prior to appointment by the court. If the attorney fails to disclose any representation agreement or moneys earned prior to appointment, the State Public Defender may then deny the attorney’s claim for attorney fees.

An attorney’s claim for compensation and reimbursement of expenses for representing an indigent person must be submitted to the State Public Defender within 45 days of the sentencing, acquittal or dismissal of a criminal case or the final ruling or dismissal of any other type of case.

An attorney may apply to the court to exceed attorney fee limitations for representing an indigent person after the attorney has exceeded the fee limitations if good cause excusing the attorney’s failure to seek prior approval is shown. Failure to file an application to exceed a fee limitation prior to exceeding the fee limitation does not constitute good cause.

Costs incurred representing an indigent defendant in a contempt hearing, and an indigent juvenile in an adoption proceeding under Code Chapter 600, are payable from the Indigent Defense Fund.

HOUSE FILE 2146 - Sex Offender Registration Requirements — Incest Committed Against Dependent Adult

BY COMMITTEE ON HUMAN RESOURCES. This Act requires a person who is convicted of incest against a dependent adult as defined in Code Section 235B.2 to register as a sex offender. Under current law, only a person who commits incest against a minor has to register as a sex offender.

HOUSE FILE 2149 - Venue for Trial of Simple Misdemeanors — Cities in Two or More Counties

BY COMMITTEE ON PUBLIC SAFETY. This Act provides that a simple misdemeanor committed in a city located in two or counties shall be prosecuted in the county where the greater offense occurred if the simple misdemeanor is committed in conjunction with an offense greater than a simple misdemeanor. Current law provides that if a simple misdemeanor is committed in a city located in two or more counties, the simple misdemeanor shall be prosecuted in the county in which the seat of government of the city is located.

HOUSE FILE 2259 - Pseudoephedrine — Sale, Purchase, or Theft — Penalties

BY COMMITTEE ON PUBLIC SAFETY. This Act provides that a retailer shall not sell, and a person shall not purchase, in a single transaction, more than two packages containing pseudoephedrine as the products’ sole active ingredient. A person who sells or purchases more than two packages containing pseudoephedrine in a single transaction commits a simple misdemeanor punishable by a scheduled fine of \$100.

A retailer who offers for sale a product containing pseudoephedrine as the product’s sole active ingredient shall display and offer such product for sale, except as otherwise provided, behind a counter where the public is not permitted or within 20 feet of a counter which allows the attendant to view the product in an unobstructed manner. The retailer may display or offer for sale without restriction a product containing pseudoephedrine as the sole active ingredient if the product is displayed using an antitheft device system.

A retailer shall display a notice stating that it is a simple misdemeanor to purchase in a single transaction more than two packages containing pseudoephedrine as the products’ sole active ingredient.

If a person sells or purchases a product containing pseudoephedrine in violation of the Act, the retailer shall be assessed a civil penalty punishable as a scheduled fine in the amount of \$100 for each criminal violation. If the retailer also displays a product containing pseudoephedrine in a manner which violates the Act, the retailer shall be assessed a \$100 civil penalty.

Any enforcement action shall be brought in magistrate court.

All civil penalty moneys collected by the clerk of the district court shall be distributed to the state or the political subdivision of the state enforcing the Act.

A violation of this Act does not occur if a person purchases the product in liquid form, or the product is primarily intended for administration to children, or the Board of Pharmacy Examiners, in concurrence with the Department of Public Safety, exempts the product because the product is formulated to prevent a conversion of the product to methamphetamine.

The Act enhances the penalty for a person who commits a simple misdemeanor theft to a serious misdemeanor theft if the person commits a theft of more than two packages containing pseudoephedrine as the sole active ingredient or more than two packages containing pseudoephedrine in combination with other active ingredients.

HOUSE FILE 2367 - Corrections System — Presentence Investigations and Inmate Labor Fund

BY COMMITTEE ON PUBLIC SAFETY. This Act concerns distribution of presentence investigation reports, moneys related to inmate labor, and persons confined at the Iowa Medical and Classification Center at Oakdale.

The Act provides that a presentence investigation report may be provided to several entities by ordinary or electronic mail.

The Act establishes an Inmate Labor Fund. All fees, reimbursement costs, grants, or appropriations related to inmate labor shall be deposited into the fund and the moneys used by the Department of Corrections to offset staff and transportation costs related to providing inmate labor to public entities.

The Act requires the Medical Director of the Department of Corrections or the director's designee to secure the professional care and treatment of each person confined at the Iowa Medical and Classification Center. Current law requires the superintendent of the center to secure the professional care and treatment.

HOUSE FILE 2395 - Intellectual Property Counterfeiting

BY COMMITTEE ON JUDICIARY. This Act provides that any person who knowingly manufactures, produces, displays, advertises, sells, distributes, possesses with intent to sell, or distributes any item, or knowingly provides a service bearing or identified by a counterfeit mark commits intellectual property counterfeiting. "Counterfeit mark" is defined to mean any unauthorized reproduction or copy of intellectual property. "Intellectual property" means any trademark, service mark, trade name, label, term, device, design, or word adopted or used by a person to identify the goods or services of the person.

A person commits intellectual property counterfeiting in the first degree, a class "C" felony, if the person manufactures or produces the counterfeit items, or the offense involves 1,000 or more counterfeited items or the retail value is equal to or greater than \$10,000, or the person has at least two prior violations of this Act.

A person commits intellectual property counterfeiting in the second degree, a class "D" felony, if the offense involves more than 100 but does not involve more than 1,000 counterfeited items or the total retail value of counterfeit items is equal to or greater than \$1,000 but less than \$10,000, or the person has a prior intellectual property counterfeiting violation.

All intellectual property counterfeiting which is not intellectual property counterfeiting in the first degree or second degree is intellectual property counterfeiting in the third degree. Intellectual property counterfeiting in the third degree is an aggravated misdemeanor.

If counterfeited items are seized for a violation of the Act, the intellectual property owner may request that all seized items bearing or identified by a counterfeit mark be released by the seizing agency to the intellectual property owner for destruction or disposition. If the intellectual property owner does not request release of the seized items, the items shall be destroyed unless the intellectual property owner consents to another disposition. The Act also provides that any personal property seized in addition to the counterfeited items seized be disposed of pursuant to Code Chapter 809.

HOUSE FILE 2399 - Theft — Multiple Acts and Locations

BY COMMITTEE ON PUBLIC SAFETY. This Act provides that if property is stolen from different locations by two or more acts within a 30-day period and the thefts are attributable to a person or a group of persons acting together in a single

scheme, plan or conspiracy, these acts may be considered a single theft and the value of the thefts may be the total value of all property stolen.

HOUSE FILE 2493 - Unused Property Markets — Regulation of Sales

BY COMMITTEE ON PUBLIC SAFETY. This Act creates a new Code Chapter 546B regulating sales activities at unused property market events, commonly referred to as flea markets and swap meets, and prohibits the sale of baby food, infant formula, cosmetics or personal care products, or any nonprescription drug or medical device at such events, except by an authorized representative of the manufacturer or distributor of such product.

The Act requires an unused property merchant to retain receipts for the purchase of new and unused property from the producer, manufacturer, wholesaler, or retailer for at least two years, and to produce such receipts for inspection upon reasonable notice, and further provides that an unused property merchant shall not knowingly falsify, obliterate or destroy receipts. Certain types of sales are excepted from these requirements.

Violations of the Act are punishable as a simple misdemeanor for a first offense, a serious misdemeanor for a second offense, and an aggravated misdemeanor for a third or subsequent offense. A simple misdemeanor is punishable by confinement for no more than 30 days or a fine of at least \$50 but not more than \$500 or by both. A serious misdemeanor is punishable by confinement for no more than one year and a fine of at least \$250 but not more than \$1,500. An aggravated misdemeanor is punishable by confinement for no more than two years and a fine of at least \$500 but not more than \$5,000.

HOUSE FILE 2516 - Notarial Acts — Certifications of Uniform Citation and Complaints

BY COMMITTEE ON PUBLIC SAFETY. This Act creates an exception to the normal process of performing a notarial act with respect to a chief officer's certifying under oath of a verification of a uniform citation and complaint by a peace officer. Under the Act, the chief officer of a law enforcement agency or the chief officer's designee is not required to use a stamp or seal when certifying the verification of a uniform citation and complaint by a peace officer.

The Act takes effect April 8, 2004.

HOUSE FILE 2522 - Sexual Abuse — Evidence

BY COMMITTEE ON PUBLIC SAFETY. This Act provides that if an alleged victim of sexual abuse consents to a sexual abuse examination and to having the evidence preserved, the evidence must be collected and properly stored with the law enforcement agency under whose jurisdiction the offense occurred or with the agency that collected the evidence to ensure that the chain of custody is complete and sufficient.

The Act provides that if an alleged victim of sexual abuse does not wish to file a criminal complaint and a sexual abuse evidence collection kit has been completed, the kit must be stored for a minimum of 10 years. In addition, if the alleged victim does not want their name recorded on the sexual abuse collection kit, a case number or other identifying information shall be assigned to the kit in place of the name of the alleged victim.

HOUSE FILE 2558 - Crimes Against Homo Sapiens at Any Stage of Development — VETOED BY THE GOVERNOR

BY GIPP. This bill would have provided that for the purposes of certain sections of the Code, as they pertain to victims of murder or manslaughter, "person" would have included a member of the species *Homo sapiens*, at any stage of development when carried in the womb or after birth.

The bill also would have provided that those sections would not apply to a legal abortion to which the pregnant woman or a person legally authorized to act on the pregnant woman's behalf consented, or for which consent was implied by law.

Under the bill, the penalty for each crime would be applicable to the perpetrator for each such victim.

ECONOMIC DEVELOPMENT

- SENATE FILE 443** - Investments in Community-Based Seed Capital Funds or Qualifying Businesses
- SENATE FILE 2290** - Economic Development Incentives — New Jobs and Income, New Capital Investment, and Enterprise Zone Programs
- HOUSE FILE 2383** - Rural Improvement Zones — VETOED BY THE GOVERNOR
- HOUSE FILE 2431** - Educational Institutions Under University-Based Research Utilization Program
- HOUSE FILE 2561** - Job Corps Center New Jobs Tax Credit — VETOED BY THE GOVERNOR
- HOUSE FILE 2581** - Miscellaneous Economic Development, Taxation, Regulatory, and Employment-Related Changes —EXTRAORDINARY SESSION

RELATED LEGISLATION

- SENATE FILE 2210** - Iowa Corn Promotion Board — Miscellaneous Provisions
SEE AGRICULTURE. This Act affects the ex officio membership of the Iowa Corn Promotion Board and expands the board's authority to expend checkoff moneys to support education and economic development programs.
- SENATE FILE 2288** - Federal Block Grant Appropriations
SEE APPROPRIATIONS. This Act appropriates federal block grant and other nonstate moneys to state agencies for the federal fiscal year beginning October 1, 2004, and ending September 30, 2005. The Act includes funding for various economic development programs, including the Community Development Block Grant.
- SENATE FILE 2298** - Government Funding, Administration, and Regulation — Appropriations and Miscellaneous Changes
SEE APPROPRIATIONS. Division III of this Act appropriates moneys from the General Fund of the State to the Iowa Department of Economic Development (IDED).

Division X adds the Director of IDED as a voting member of the Iowa Empowerment Board.

Division XV authorizes IDED to enter into an agreement with a person, including for-profit and nonprofit entities, in order to directly or indirectly apply for, receive, administer, and use federal funds, including federal tax credits, grants, or other economic benefits provided by the federal government.

Division XVI directs IDED to delay payment of principal and interest on a loan granted to an Iowa agricultural industry finance corporation.

Division XVIII amends the Community Attraction and Tourism Program and Fund.
- SENATE FILE 2311** - Workforce and Economic Development Appropriations and Related Changes — EXTRAORDINARY SESSION
SEE APPROPRIATIONS. Division I of this Act validates contracts entered into by the Department of Economic Development and the Grow Iowa Values Board in reliance on the validity of the Grow Iowa Values Fund, which was subsequently declared invalid by the Iowa Supreme Court. Federal moneys that were to be used to fund the Grow Iowa Values Fund are appropriated for FY 2004-2005 to the department for the following purposes: marketing strategies, financial assistance and incentives to businesses, financial assistance for institutions under the control of the State Board of Regents and accredited private institutions, workforce training and economic development funds of the community colleges, Endow Iowa Grants and tax credits, for targeted state parks and destination parks, and for deposit in the Loan and Credit Guarantee Fund. The division is retroactively applicable to July 1, 2003. The Act takes effect September 7, 2004.
- HOUSE FILE 2207** - Substantive Code Corrections
SEE STATE GOVERNMENT. This Act contains statutory corrections that adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary

language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities. Changes made include changes to a definition of agricultural products under the Life Science Products Code chapter; deletion of obsolete references concerning the Microenterprise Development Revolving Fund, the Iowa Technology Center, and a job training program study; and corrections in future repeals of certain economic development initiatives established in 2003. The corrections to the future repeals of the economic development initiatives take effect April 26, 2004.

ECONOMIC DEVELOPMENT

SENATE FILE 443 - Investments in Community-Based Seed Capital Funds or Qualifying Businesses

BY COMMITTEE ON WAYS AND MEANS. This Act relates to investments in qualifying businesses and community-based seed capital funds.

The Act amends the definition of “investor” to mean a person making a cash investment in a qualifying business or in a community-based seed capital fund. An “investor” does not include a person that holds at least 70 percent ownership interest as an owner, member or shareholder in a qualifying business. The Act allows a tax credit for a portion of a taxpayer’s equity investment in a qualifying business to be claimed against corporate income tax liabilities, franchise tax liabilities for financial institutions, insurance premium tax liabilities, and moneys and credits tax liabilities. Previously, such tax credits were only allowed to be claimed against individual income tax liabilities. These provisions apply retroactively to January 1, 2004, for tax years beginning on or after that date.

The Act amends the criteria for community-based seed capital funds, lowering the minimum amount of capital commitments from \$500,000 to \$125,000. The capital commitment maximum amount may be waived if the fund is a rural business investment company under the Rural Business Investment Program of the federal Farm Security and Rural Investment Act of 2002. The requirement that a fund have no fewer than 10 investors who are not affiliates is lowered to five such investors. These provisions apply retroactively to January 1, 2002, for tax years beginning on or after that date.

The Act amends one of the criteria for a community-based seed capital fund that triggers a rescission of certain tax credit certificates. Previously, if the fund had not invested at least 33 percent of its invested capital in two or more separate qualifying businesses measured at a certain time, a rescission would occur. The Act lowers the criteria to investing at least 33 percent of the invested capital in one or more separate qualifying businesses. This provision applies retroactively to January 1, 2002, for tax years beginning on or after that date.

SENATE FILE 2290 - Economic Development Incentives — New Jobs and Income, New Capital Investment, and Enterprise Zone Programs

BY IVERSON. This Act relates to economic development incentives under the New Jobs and Income Program, the New Capital Investment Program, and the Enterprise Zone Program.

The Act requires agreements under the New Jobs and Income Program to include payback provisions for all incentives received under the program if job creation requirements are not met.

The Act amends the sales, services and use tax refund under the New Jobs and Income Program to provide that an eligible business under the program shall be entitled to a refund for taxes attributable to the purchase of racks, shelving, and conveyor equipment to be used in a warehouse or distribution center.

The Act creates a corporate tax credit for an eligible business or a supporting business under the New Jobs and Income Program or under the New Capital Investment Program. The tax credit amount is equal to the sales, services and use taxes paid by a third-party developer in the construction or equipping of a facility. The Act requires a third-party developer to state under oath, on forms provided by the Department of Economic Development, the amount of sales, services and use taxes paid. The forms must be submitted to the department and the taxes paid must be itemized to allow identification of taxes attributable to racks, shelving, and conveyor equipment to be used in a warehouse or distribution center. After receiving the forms, the department shall issue a tax credit certificate to the eligible business or supporting business equal to the taxes paid by the third-party developer. The department shall also issue a tax credit certificate to the eligible business or supporting business equal to the taxes paid and attributable to racks, shelving, and conveyor equipment to be used in a warehouse or distribution center. The Act limits the aggregate combined total amount of tax refunds and tax credit certificates for taxes attributable to racks, shelving, and conveyor equipment to be used in a warehouse or distribution center to \$500,000 in a fiscal year.

The Act amends the investment tax credit and the insurance premium tax credit under the New Jobs and Income Program and under the New Capital Investment Program. The Act provides that, in addition to the current meaning under the programs for “new investment directly related to new jobs created by the location or expansion of an eligible business under the program,” the term also means the annual base rent paid to a third-party developer by an eligible business for a period not to exceed 10 years, provided the cumulative cost of the base rent payments for that period does not exceed the cost of the land and the third-party developer’s costs to build or renovate the building for the eligible business. The eligible business shall enter into a lease agreement with the third-party developer for a minimum of 10 years under the New Jobs and Income Program and a minimum of five years under the New Capital Investment Program.

The Act repeals a portion of the Enterprise Zone Program which allows an eligible development business to receive incentives and assistance under the program. The Act makes conforming amendments.

The Act takes effect March 17, 2004.

HOUSE FILE 2383 - Rural Improvement Zones — VETOED BY THE GOVERNOR

BY COMMITTEE ON ECONOMIC GROWTH. This bill would have eliminated language that limits rural improvement zones to counties with less than 18,500 population. These zones are used as a funding mechanism to finance improvements to real property surrounding a private lake development.

HOUSE FILE 2431 - Educational Institutions Under University-Based Research Utilization Program

BY COMMITTEE ON ECONOMIC GROWTH. This Act relates to educational institutions under the University-Based Research Utilization Program.

The Act defines “education institution” to mean a university under the control of the State Board of Regents, a community college, or an accredited private university located in the state. A new or existing business that utilizes a technology developed by an employee at the educational institution may apply to the Department of Economic Development for approval to participate in the program. A business approved under the program and the employee of an educational institution responsible for the development of the technology utilized by the approved business are eligible for a tax credit under the program.

HOUSE FILE 2561 - Job Corps Center New Jobs Tax Credit — VETOED BY THE GOVERNOR

BY COMMITTEE ON WAYS AND MEANS. This bill would have created a Job Corps Center New Jobs Tax Credit to be used against personal or corporate income tax liability. The bill would have provided that an employer who hires a graduate of a job corps center on a full-time basis within six months of the employee’s graduation from the job corps center, or within three years of the employee’s graduation from the job corps center if the job corps center graduate elects to attend a community college in Iowa within six months of the employee’s graduation from the job corps center, is entitled to a tax credit.

**HOUSE FILE 2581 - Miscellaneous Economic Development, Taxation, Regulatory, and Employment-Related Changes
EXTRAORDINARY SESSION**

BY RANTS.

Division I - Legislative Findings

Division I of this Act states legislative findings regarding the invalidity of provisions originally contained in 2003 Iowa Acts, Chapter 1, H.F. 692, due to the Iowa Supreme Court decision of *Rants and Iverson v. Vilsack*. Legislative intent is stated to reaffirm and reenact certain invalidated provisions. The provisions affected were published in the 2003 Iowa Code Supplement or amended in the 2004 Regular Legislative Session.

Division II - Endow Iowa Grants

Division II reaffirms and reenacts provisions relating to Endow Iowa Grants. The division is retroactively applicable to January 1, 2003, for tax years beginning on or after that date.

Division III - Civil Action Appeal Bonds

Division III reaffirms and reenacts provisions pertaining to supersedeas bonds, including provisions contained in 2004 Iowa Acts, S.F. 2306 (see Civil Law, Procedure and Court Administration), that were invalidated by the Iowa Supreme Court decision. Senate File 2306 is repealed. The provisions reenacted apply retroactively to cases pending and filed on or after April 20, 2004, and through June 15, 2004, and to cases pending or filed on or after June 16, 2004.

Division IV - Workers’ Compensation

Division IV relates to certain benefits and procedures related to workers’ compensation and contains an expression of legislative intent concerning the changes made.

Code Section 85.27, subsection 4, is amended to provide that if an employer chooses medical care, the employer is responsible for the cost of care until the employer notifies the employee otherwise and of the reason for the change. An employer is not liable for the cost of care that the employer arranges in response to a sudden emergency if the employee’s condition, for which care was arranged, is not related to the employment.

Code Section 85.34, subsection 2, paragraph "u," is amended to provide that compensation for unscheduled disability is based on the change in earning capacity from what the employee possessed when the injury occurred.

Code Section 85.34 is amended by adding a new subsection concerning compensation for successive disabilities. The new subsection provides that an employer is fully liable for compensating all of an employee's disability caused by employment with the employer and is not liable for compensating an employee's preexisting disability caused by employment with a different employer or from causes unrelated to employment. If an injured employee has a preexisting disability that was caused by a prior injury with the same employer, the employer is liable for the combined disability that is caused by the injuries, measured in relation to the employee's condition immediately prior to the first injury. In the case of scheduled injuries to the same body part, the employer's liability for the combined disability of the employee is considered to be already partially satisfied to the extent of the percentage of disability for which the employee was previously paid by the employer. In the case of successive nonscheduled injuries to the body as a whole, if the employee has a preexisting disability that causes the employee's earnings to be less at the time of the present injury than if the prior injury had not occurred, the employer's liability for the combined disability is considered to be already partially satisfied to the extent of the percentage of disability for which the employee was previously compensated by the employer minus the percentage that the employee's earning capacity is less at the time of the present injury than if the prior injury had not occurred.

A successor employer is considered to be the same employer if the employee became part of the successor employer's workforce through a merger, purchase, or other transaction that assumes the employee into the successor employer's workforce without substantially changing the nature of the employee's employment.

Code Section 85.36, subsection 9, paragraph "c," which deals with apportionment of liability for successive disabilities, is stricken.

Code Section 85.70 is amended to provide that an injured employee with a permanent disability who actively participates in a vocational rehabilitation program shall be paid \$100 instead of \$20 each week.

Code Section 86.12 is reaffirmed and reenacted, after being held invalid by the Iowa Supreme Court. This provision allows the Workers' Compensation Commissioner to subject employers to assessments for failure to report certain information to the commissioner.

Code Section 86.13A is reaffirmed and reenacted, after being held invalid by the Iowa Supreme Court. This provision requires the Workers' Compensation Commissioner to monitor the rate of compliance of employers and insurers in timely commencing benefit payments to injured employees and after June 30, 2006, allows the commissioner to impose assessments against employers and insurers for certain delays in commencing benefit payments.

Code Section 85.55, allowing an employee with a physical defect that increases the risk of injury to waive workers' compensation for injuries occurring because of such defect, is repealed.

With the exception of the provisions concerning Code Sections 86.12 and 86.13A, the division is applicable to injuries occurring on or after September 7, 2004. The provisions concerning Code Sections 86.12 and 86.13A are retroactively applicable to injuries occurring on or after July 1, 2003.

Division V - Financial Services

Division V reaffirms and reenacts requirements involving the delinquency charges collectible relative to certain consumer credit transactions and authority to contract for debt payment under credit transactions other than consumer credit transactions. The division is retroactively applicable to July 1, 2003.

Division VI - Loan and Credit Guarantee Program

Division VI reaffirms and reenacts provisions relating to the Loan and Credit Guarantee Program directed to relatively small businesses and industries targeted to particular areas of commerce. The division does not reenact the Loan and Credit Guarantee Advisory Board and makes conforming amendments. The division is retroactively applicable to July 1, 2003.

Division VII - Administrative Contribution Surcharge

Division VII acknowledges the Iowa Code Editor's removal of references from the Iowa Code to the Administrative Contribution Surcharge and Fund due to their repeal effective July 1, 2003. This repeal results from the Iowa Supreme Court decision making H.F. 692 invalid, which also made the extension of the surcharge and fund beyond July 1, 2003, invalid. The division applies retroactively to July 1, 2003.

Division VIII - Marketing

Division VIII reaffirms and reenacts the Economic Development Marketing Board and its approval process for marketing strategies. However, the division amends the reaffirmed and reenacted provisions by providing that the Department of Economic Development, rather than the marketing board, which is not continued after September 7, 2004, shall accept proposals for marketing strategies for purposes of selecting a strategy for the department to administer. The division provides that the department shall select and approve a proposal that meets certain criteria and that the department shall implement and administer the approved marketing strategy. The provision reenacting and reaffirming Code Section 15G.109 is retroactively applicable to July 1, 2003. The provisions amending the Economic Development Marketing Board do not apply retroactively.

Division IX - Income Taxation Bonus Depreciation and Expensing Allowance

Division IX includes in the references to the Internal Revenue Code the federal income tax revisions enacted by Congress in regard to expensing certain depreciable assets and making these changes applicable for Iowa income tax purposes.

The division amends Code Sections 422.7 and 422.35 to couple with the changes to the bonus depreciation deduction enacted in the federal Jobs and Growth Tax Relief Reconciliation Act of 2003 (Pub. L. No. 108-27). The bonus depreciation of 50 percent allowed in that law is allowed for state income tax purposes for qualified property acquired after May 5, 2003, and before January 1, 2005.

The provisions of the division coupling with federal expensing changes are retroactively applicable to January 1, 2003, for tax years beginning on or after that date. The provisions of the division coupling with the changes to the federal bonus depreciation apply retroactively to tax years ending after May 5, 2003.

Division X - Advisory Capacity of Boards

Division X provides that, for only FY 2004-2005, the Grow Iowa Values Board, the establishment and existence of the Economic Development Marketing Board, and the Loan and Credit Guarantee Advisory Board, as provided for in 2003 Iowa Acts, First Extraordinary Session, Chapter 1 (H.F. 692), are validated. However, the boards shall serve only in an advisory capacity to the Department of Economic Development. The composition of the boards shall consist of the membership in existence on June 15, 2004.

The Act takes effect September 7, 2004.

EDUCATION

- SENATE FILE 2124** - Education Funding — VETOED BY THE GOVERNOR
- SENATE FILE 2174** - State Board of Regents — Appointment of Student Member
- SENATE FILE 2177** - Possession and Administration of Asthma or Other Airway Constricting Disease Medication
- SENATE FILE 2202** - Meningococcal Disease — Vaccination Information for Postsecondary Students
- HOUSE FILE 2241** - Primary and Secondary Education Standards — Academic Credit for Military Basic Training Completion
- HOUSE FILE 2394** - Driver Education Instruction by Teaching Parent — VETOED BY THE GOVERNOR
- HOUSE FILE 2418** - Regents Universities - Final Decisions to Increase Tuition, Fees, or Charges
- HOUSE FILE 2419** - School Board Elections — Nomination Petitions — Signatures
- HOUSE FILE 2460** - School District Enrollment of Persons Required to Register as a Sex Offender
- HOUSE FILE 2559** - Regulation of Postsecondary Education

RELATED LEGISLATION

- SENATE FILE 2288** - Federal Block Grant Appropriations
SEE APPROPRIATIONS. This Act appropriates federal block grant and other nonstate moneys to state agencies for the federal fiscal year beginning October 1, 2004, and ending September 30, 2005, including funding made available to the state for a number of education programs.
- SENATE FILE 2295** - School Tuition Organization Tax Credit — VETOED BY THE GOVERNOR
SEE TAXATION. This bill would have provided for an individual income tax credit for contributions made to school tuition organizations that are exempt from federal income tax and that provide at least 90 percent of the contributions as educational scholarships or tuition grants to children attending nonpublic elementary or secondary schools or preschools for disabled students.
- SENATE FILE 2298** - Government Funding, Administration, and Regulation — Appropriations and Miscellaneous Changes
SEE APPROPRIATIONS. Division III of this Act appropriates moneys from the General Fund of the State to the regents institutions and to pay payroll expenditure refunds under the School-to-Career Program.

 Division IV appropriates moneys for FY 2004-2005 from the General Fund of the State to the College Student Aid Commission, the Department for the Blind, the Department of Cultural Affairs, the Department of Education, and the State Board of Regents and its institutions.

 Divisions V and VI make appropriations for health and human services and provide numerous related provisions, including a directive for the Department of Human Services to assist school districts in claiming Medicaid reimbursement for school district nursing services.

 Division X provides changes in laws related to education and adds new provisions as follows:
 - ? The Iowa Early Intervention Block Grant program is extended for FY 2004-2005.
 - ? The state percent of growth amount is set at 4 percent for FY 2005-2006.
 - ? Code language that restricts school district eligibility for certain budget guarantee provisions is removed.
 - ? State aid to area education agencies is reduced.
 - ? Changes are made with regard to the local option sales and services tax for school infrastructure purposes.
 - ? The State Board of Regents is authorized to issue revenue bonds for a five-year building program at regents universities.
 - ? A repeal is applied to 2004 Iowa Acts, H.F. 2490 (see Business, Banking & Insurance), Section 8, which would have eliminated the requirement that with respect to the accep-

tance and distribution of electronic records by a government agency, a State Board of Regents institution must conform with national standards as they are developed.

- ? Additional modified allowable growth is granted to a school district that failed to meet all the requirements for increasing its participation in the Instructional Support Program but did pass a resolution to so participate, and a petition was not filed or the question on such participation was approved at an election.
- ? The definition of "accredited private institution" is changed for purposes of eligibility for Iowa Tuition Grants.
- ? An Iowa Learning Technology Initiative is established to assist schools in providing technology for their students. However, the Governor item vetoed portions of the initiative.

Division XI makes appropriations from the Rebuild Iowa Infrastructure Fund to the State Board of Regents for infrastructure projects and for tuition replacement.

Division XVI extends the period for which workforce training and economic development funds are available for community colleges.

- SENATE FILE 2303** - Income Tax Deduction for Private 529 Plans — **VETOED BY THE GOVERNOR**
SEE TAXATION. This bill would have allowed for an individual income tax deduction for contributions made to a qualified tuition program established by one or more educational institutions.
- HOUSE FILE 2207** - Substantive Code Corrections
SEE STATE GOVERNMENT. This Act contains statutory corrections that adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities. Changes made include deletion of obsolete references concerning a job training program study and changes to a 2003 Act pertaining to area education agency (AEA) reorganizations. The changes relating to AEA reorganizations take effect April 26, 2004, and are retroactively applicable to July 1, 2003.
- HOUSE FILE 2350** - Family Investment Program Eligibility Requirements
SEE CHILDREN & YOUTH. This Act relates to Family Investment Program (FIP) eligibility requirements involving motor vehicle equity and required school attendance, and addresses FIP agreements.
- HOUSE FILE 2431** - Educational Institutions Under University-Based Research Utilization Program
SEE ECONOMIC DEVELOPMENT. This Act relates to educational institutions under the University-Based Research Utilization Program.
- HOUSE FILE 2549** - Waste Tire Management Fund Appropriations
SEE ENVIRONMENTAL PROTECTION. This Act repeals programs awarding moneys to regents institutions for using tire-related fuel and to end-users of processed waste tires.
- HOUSE FILE 2553** - Iowa Educational Savings Plan Trust Revisions
SEE TAXATION. This Act makes several technical and substantive changes regarding operation of the Iowa Educational Savings Plan Trust pursuant to Code Chapter 12D. The Act takes effect April 15, 2004.

EDUCATION

SENATE FILE 2124 - Education Funding — VETOED BY THE GOVERNOR

BY COMMITTEE ON EDUCATION. This bill would have established a state percent of growth of 2 percent for purposes of the State School Foundation Program for the school budget year beginning July 1, 2005.

The bill provided that for the budget year beginning July 1, 2006, and each subsequent budget year, the state percent of growth would be established by statute and enacted within 30 days of the submission of the Governor's budget in the base year. Currently, the Code provides that the enactment shall be within 30 days of the submission of the Governor's budget in the year preceding the base year. The effect of this change would be to establish the state percent of growth during the regular legislative session immediately preceding the start of the July 1 budget year, rather than during the regular legislative session in the previous year.

The bill also provided for appropriations for the payment of state foundation aid and supplementary aid. The bill appropriated for the 2004-2005 fiscal year from the General Fund of the State the sum of \$1,881,688,628 to pay state foundation aid and supplementary aid, and appropriated from the General Fund of the State for the 2005-2006 fiscal year the sum of \$1,926,512,994 to pay state foundation aid and supplementary aid. The bill provided that of the amount appropriated for the fiscal years beginning July 1, 2004, and July 1, 2005, \$10 million would be used by school districts to assist with the purchase of public school textbooks and supplies.

The bill provided that if the amounts appropriated were less than the amounts otherwise required to pay state foundation aid and supplementary aid, the difference would be deducted from the payments that otherwise would have been made to each school district in the same ratio that the budget enrollment of the school district for the appropriate budget year bears to the total budget enrollment in the state for that budget year.

The bill provided that for the fiscal year beginning July 1, 2004, and succeeding fiscal years, the state aid for area education agencies (AEAs) and the portion of the combined district cost calculated for AEAs would be reduced by the Department of Management by \$11,798,703, and that the reduction for each AEA would be equal to the reduction that the agency received in the fiscal year beginning July 1, 2003. The bill allowed AEAs to use available funds and unreserved fund balances for media services or education services in a manner the agency determined appropriate to best maintain the level of required AEA special education services.

The bill included an exemption to the Code language which states that the establishment of the state percent of growth for a budget year shall be the only subject matter of the bill which enacts it.

SENATE FILE 2174 - State Board of Regents — Appointment of Student Member

BY COMMITTEE ON EDUCATION. This Act requires the Governor, prior to appointing the ninth or student member of the State Board of Regents, to consult with the student body government of the university at which a prospective appointee is enrolled. Also, if the student member of the State Board of Regents graduates or is no longer enrolled in a regents university, the student member's term expires a year from the date on which the student graduates or is no longer enrolled in a regents university. However, if the student member reenrolls in a regents university, the student's six-year term continues in effect.

SENATE FILE 2177 - Possession and Administration of Asthma or Other Airway Constricting Disease Medication

BY COMMITTEE ON EDUCATION. This Act requires school districts and accredited nonpublic schools to allow a student to possess and self-administer asthma, or other airway constricting disease, medication while in school, at school-sponsored activities, under the supervision of school personnel, and before or after normal school activities, if the student's parent or guardian submits written authorization, along with the name and purpose of the medication, the prescribed dosage, and the times at which or the special circumstances under which the medication is to be administered.

The parents or guardians must indemnify and hold harmless the school district or nonpublic school and its employees and agents against any claims, except a claim based on gross negligence, arising out of the self-administration of medication by the student.

The permission for self-administration of medication is effective for the school year, though the parent or guardian must immediately notify the school of any changes in the circumstances relating to the self-administration of the medication. If the student misuses the privilege, permission may be withdrawn.

SENATE FILE 2202 - Meningococcal Disease — Vaccination Information for Postsecondary Students

BY COMMITTEE ON EDUCATION. This Act requires institutions of higher education that have on-campus residence halls or dormitories to provide students with meningococcal disease vaccination information on student health forms.

The forms are to include space for the student to indicate whether or not the student has received the vaccination and are also to include recommendations issued by the National Centers for Disease Control and Prevention regarding the disease.

Data obtained by the institutions shall be submitted annually to the Iowa Department of Public Health in such a manner that no individual person can be identified. The department is directed to review the requirements of the Act and to submit its recommendations in a report to the General Assembly by January 15, 2010, and every five years thereafter.

HOUSE FILE 2241 - Primary and Secondary Education Standards — Academic Credit for Military Basic Training Completion

BY COMMITTEE ON EDUCATION. This Act permits school districts and nonpublic schools to award credit toward graduation to a student who successfully completes National Guard or United States military basic training.

HOUSE FILE 2394 - Driver Education Instruction by Teaching Parent — VETOED BY THE GOVERNOR

BY COMMITTEE ON EDUCATION. This bill would have allowed a parent, guardian, or legal custodian who is providing competent private instruction to a student to teach the student driver education, provided the person has a valid driver's license that permits unaccompanied driving and has a clear driving record for the previous two years. The classroom instruction requirements prescribed for the alternative course of instruction were substantially the same as for an approved course of instruction offered by a public school district or private or commercial driver education school, with additional requirements for 40, rather than 20, hours of street or highway driving, including night driving. The curriculum was to be approved by the Iowa Department of Transportation (IDOT) by rule and utilize driver education materials meeting or exceeding standards established for driver education courses approved for public or private schools.

The bill would have required the teaching parent to document substantial compliance with the driver education course requirements and furnish an affidavit to IDOT attesting to the student's satisfactory completion of the coursework and street or highway driving. The student would have had to pass a driving test administered by IDOT and meet the other qualifications for licensure to be eligible for an intermediate license.

HOUSE FILE 2418 - Regents Universities — Final Decisions to Increase Tuition, Fees, or Charges

BY COMMITTEE ON EDUCATION. This Act strikes any reference to a date by which the State Board of Regents must make its final decision on an increase in tuition or mandatory fees charged to all students at a regents university. The Act instead requires that the final decision be made at a regular meeting of the board and prohibits the board from holding the meeting during a period in which classes have been suspended for university holiday or break.

HOUSE FILE 2419 - School Board Elections — Nomination Petitions — Signatures

BY COMMITTEE ON EDUCATION. This Act establishes a limit on the number of eligible electors needed to sign the nomination petition for a school district board of directors candidate for an at-large seat or a seat which is voted for only by the voters of a director district.

Under current Code, the petitions must be signed by at least 10 eligible electors or a number of eligible electors equal in number to not less than 1 percent of the registered voters of the school district, whichever is more. The Act provides that this number need not be more than 50, and strikes a provision that sets the maximum at 100 signatures.

HOUSE FILE 2460 - School District Enrollment of Persons Required to Register as a Sex Offender

BY COMMITTEE ON EDUCATION. This Act requires the board of directors of a school district, prior to knowingly enrolling an individual who is required to register as a sex offender under Code Chapter 692A, but who is otherwise eligible to enroll, to determine the educational placement of the individual. Similarly, if the board receives notice that a student enrolled in the district is on the Sex Offender Registry, the Act requires that the board determine the educational placement of the student. The tentative agenda for the school board meeting at which the board will consider the enrollment or educational placement must specifically state that the board is considering such enrollment or educational placement.

If the board denies enrollment, the school district of residence must provide the individual with educational services in an alternative setting. The Act requires the county sheriff to provide school districts located within the county with the name of any individual under the age of 21 who is required to register as a sex offender.

HOUSE FILE 2559 - Regulation of Postsecondary Education

BY COMMITTEE ON WAYS AND MEANS. This Act relates to the approval or registration of postsecondary schools by the Department of Education, the College Student Aid Commission, and the Secretary of State.

The Act requires that practitioner preparation programs offered by out-of-state schools be approved by the State Board of Education and authorizes the state board to collect an amount equivalent to the department's necessary travel and actual expenses incurred while engaged in the approval of out-of-state practitioner preparation programs.

The Act directs the College Student Aid Commission to adopt rules to establish standards for the approval of postsecondary schools that are required to register with the Secretary of State; to establish an advisory committee to make recommendations regarding the applications; and to apply administrative wage garnishment procedures for all delinquent loans incurred by defaulters who are financially capable of paying but fail to enter into a payment agreement. The Act authorizes the commission to require schools seeking registration to provide copies of their application to the Iowa Coordinating Council for Post-High School Education and permits the commission to consider the council's comments.

The Act strikes language that requires postsecondary schools to register with the Secretary of State annually, and instead requires the schools to register once every four years or upon any substantive change in program offerings, location or accreditation.

The Act directs the Secretary of State to establish registration and renewal fees for postsecondary schools required to register with the secretary. Currently, the Code sets the fee for initial registration at \$1,000, with annual renewals at \$500. Moneys collected by the department for expenses and by the secretary in the form of fees must be deposited in the General Fund of the State.

The Act strikes a requirement that the Secretary of State utilize the State Advisory Committee for Postsecondary School Registration in reviewing new and continuing registrations.

ELECTIONS, ETHICS AND CAMPAIGN FINANCE

- SENATE FILE 2179 - Regulation of Government Ethics and Lobbying
- SENATE FILE 2269 - Elections and Voter Registration
- SENATE FILE 2279 - Satellite Absentee Voting Stations — Petition Requirements — VETOED BY THE GOVERNOR
- HOUSE FILE 593 - Election Law Changes — VETOED BY THE GOVERNOR
- HOUSE FILE 2180 - Appointment of County Attorney — Residency Requirement
- HOUSE FILE 2318 - Campaign Finance — Committee Organization or Dissolution — Contributions
- HOUSE FILE 2319 - Regulation of Political Activities and Materials

RELATED LEGISLATION

- SENATE FILE 2296 - Administration of Tax Policy and Related Internal Revenue Code Revisions
SEE TAXATION. This Act amends various provisions of state tax law by repealing the requirement that two voter registration forms be inserted in each individual income tax instruction booklet every other year. In addition, the Act requires that the official electronic Iowa voter registration form and a link to the Secretary of State's website be placed on the Department of Revenue's official website.
- SENATE FILE 2298 - Government Funding, Administration, and Regulation — Appropriations and Miscellaneous Changes
SEE APPROPRIATIONS. Division XIV of this Act appropriates moneys from the General Fund of the State to the Secretary of State to draw down federal moneys for purchase and installation of voting machines under the federal Help America Vote Act.
- HOUSE FILE 2207 - Substantive Code Corrections
SEE STATE GOVERNMENT. This Act contains statutory corrections that adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities. Changes made include changes related to district associate judge elections and area education agency (AEA) reorganizations. The changes made to a 2003 Act which pertain to AEA reorganizations take effect April 26, 2004, and are retroactively applicable to July 1, 2003. The corrections to the district associate judge elections provisions take effect April 26, 2004.
- HOUSE FILE 2419 - School Board Elections — Nomination Petitions — Signatures
SEE EDUCATION. This Act limits to 50 the number of eligible electors needed to sign the nomination petition for a school district board of directors candidate for an at-large seat or a seat which is voted for only by the voters of a director district.

ELECTIONS, ETHICS AND CAMPAIGN FINANCE

SENATE FILE 2179 - Regulation of Government Ethics and Lobbying

BY COMMITTEE ON STATE GOVERNMENT. This Act relates to ethics laws and the Iowa Ethics and Campaign Disclosure Board.

The Act amends the definition of the term “regulatory agency” in Code Chapter 68B, Government Ethics and Lobbying, to include the Iowa Ethics and Campaign Disclosure Board.

Officials, employees of regulatory agencies, and permanent full-time members of the Office of the Governor are prohibited from selling goods or services to individuals, associations or corporations that are subject to the regulatory authority of the agency, in the case of officials and regulatory agency employees, or are registered lobbyists before the General Assembly, in the case of Governor’s Office employees. The exception to this prohibition occurs if certain criteria are met, including a requirement that consent be obtained. The prohibition for Governor’s Office employees also applies to individuals, associations or corporations that are registered lobbyists before the executive branch. The Act requires a copy of any such consent to be filed with the Iowa Ethics and Campaign Disclosure Board within 20 days of the consent being granted. The Act requires the board to adopt rules specifying the method by which regulatory agency employees may obtain agency consent. Previously, the Department of Administrative Services was charged with adopting such rules.

The Act condenses the language used in the prohibition against certain persons providing services against the state by using the defined term “officials.” The Act provides that the Office of the Attorney General and the State Public Defender, in executing the duties of those offices, are not in violation of this prohibition.

The Act eliminates a distinction between formal and informal board opinions issued by the Iowa Ethics and Campaign Disclosure Board. All such opinions will be referred to as board advisory opinions. Local officials and local employees may seek board advisory opinions for situations where Code Chapter 68B may apply.

The Act requires the Iowa Ethics and Campaign Disclosure Board to conduct an annual review to determine if members of any board, commission or authority not specifically required in the Code to file a personal financial disclosure statement should file such a statement.

The Act requires personal financial disclosure statements filed with the Chief Clerk of the House of Representatives or with the Secretary of the Senate to be recorded on the legislative Internet website or copies of the statements to be forwarded to the Secretary of State for recording on an Internet website. The Act requires the Ethics and Campaign Disclosure Board to record statements filed with the board on an Internet website. The Act eliminates a requirement that the board and the General Assembly enter into agreements with the Secretary of State for purposes of public access to and copying of the personal financial disclosure statements.

The Act amends the requirements for lobbyist’s client reporting. The Act adds the reimbursement of expenses to the items that must be reported, and requires the reporting of anticipated payments for salaries, fees, retainers, and reimbursement of expenses. The Act changes the reporting date from July 1 of each year to July 31 of each year, and requires that the report include information for the preceding 12 months concluding on June 30 of each year. The Act eliminates a requirement that the report include a cumulative total of all salaries, fees, retainers, and reimbursements of expenses paid to the lobbyist for lobbying activities during the preceding calendar year.

The Act repeals Code Section 68B.34, relating to investigations of ethics complaints filed with one of the ethics standing committees by an independent special counsel, reenacts the section in Code Section 68B.31A, and makes conforming reference changes.

SENATE FILE 2269 - Elections and Voter Registration

BY COMMITTEE ON STATE GOVERNMENT. This Act makes changes to the law relating to elections, absentee balloting, and voter registration, including Code language changes which are necessary to comply with requirements of Pub. L. No. 107-252, the federal Help America Vote Act of 2002 (HAVA).

HELP AMERICA VOTE ACT CHANGES. The changes related to HAVA require the following:

- ? That the State Commissioner of Elections (Secretary of State) adopt, by rule, administrative complaint procedures for resolution of grievances relating to violations of HAVA provisions relating to uniform and nondiscriminatory election technology and administration requirements.

- ? That the State Registrar of Voters (Secretary of State), on or before January 1, 2006, implement a centralized, computerized statewide voter registration system that is interactive with other agency computer databases in the state.
- ? That an eligible elector who registers by mail and who has not previously voted in an election for federal office in the county of registration present identification when voting for the first time unless the voter provided the voter's Iowa driver's license number, or the voter's Iowa nonoperator's identification card number, or the last four numerals of the voter's social security number on the registration form and those numbers were subsequently verified. A voter who votes an absentee ballot by mail is required to include a photocopy of one of the optional forms of identification with the ballot. If the required identification is not provided, the voter will be allowed to vote a provisional ballot or, if voting an absentee ballot by mail, the absentee ballot shall be considered a provisional ballot.
- ? That information required when registering to vote include the registrant's first name and any family forename or surname and the registrant's Iowa driver's license number or Iowa nonoperator's identification card number or, if not available, the last four numerals of the registrant's social security number. A registrant who does not have either an Iowa driver's license, Iowa nonoperator's identification card, or social security number shall be assigned an identification number for voter registration purposes by the registrar.
- ? That the requirement for the registrant's date of birth include the month, date and year of birth and that the mail voter registration form ask the registrant if the registrant is a citizen of the United States and if the registrant will be 18 years old on or before election day. The mail form shall also contain a statement that if the registrant answered "no" to either of those questions, the registrant is not to complete the registration form. If certain required information is not provided on the registration form, the form shall not be processed and the registrar shall mail an acknowledgment to the registrant notifying the registrant that the registration could not be processed.
- ? That the State Registrar of Voters verify the registrant's driver's license number, Iowa nonoperator's identification card number, or the last four digits of the registrant's social security number. If the number provided cannot be verified, the registrar is required to reject the registration application and notify the registrant. If the information can be verified, the registrar is required to make a record of the source used for verification.
- ? That if a voter registration form lacking required information is received during the 12 days before the close of registration, the commissioner provide the registrant with an opportunity to complete the form before the close of registration.
- ? That registrants whose registration status is local be provided an opportunity to submit another registration before the close of registration for elections with federal offices on the ballot.
- ? That if a mail registrant answered "no" to the question relating to U. S. citizenship, the application not be processed and the acknowledgement inform the applicant why the application was not processed.
- ? That the time period be changed from four consecutive calendar years to two or more consecutive general elections under which a commissioner participating in the national change of address program is to notify a registered voter if the voter has not voted after registering or if the voter has not responded to a prior notice mailed by the commissioner.
- ? That a voter's driver's license number or Iowa nonoperator's identification card number be removed from a voter registration list prepared at the request of any person. Current law only requires that the voter's social security number be removed.
- ? That the term "special ballot" be changed to "provisional ballot," which is the term used in HAVA for a ballot cast by a challenged voter.
- ? That when a challenged voter's ballot is not counted, the commissioner must notify the voter by mail and inform the voter why the ballot was not counted.
- ? That the State Commissioner of Elections adopt rules providing uniform definitions of what constitutes a vote.
- ? That voting machines and electronic voting systems be allowed to be used concurrently at the same precinct.
- ? That the State Commissioner of Elections provide information to members of the armed forces of the United States on voter registration and absentee ballot procedures and accept voter registration applications and absentee ballot applications from members of the armed forces and forward the applications to the appropriate county commissioner of elections.
- ? That the time period during which a commissioner is to mail absentee ballots to a member of the armed forces after receiving the member's initial application for an absentee ballot be extended from one calendar year after receipt of the application to the next two general elections after receipt of the application.
- ? That when the state commissioner receives a federal write-in ballot, the commissioner immediately forward it to the appropriate county commissioner of elections. If the ballot is received after election day but before noon on the Monday following the election, the state commissioner, rather than the county commissioner, shall verify that the

ballot is eligible to be counted, and notify the appropriate county commissioner and transmit the ballot. If the ballot is not to be counted, the county commissioner is required to notify the voter and give the reason why the ballot was not counted.

OTHER ELECTION LAW CHANGES. The Act makes other election law changes, including the following:

- ? Provides that an unauthorized person who returns, by mail or in person, a voted absentee ballot commits election misconduct in the third degree and that a person who makes a false or untrue statement reporting that a voted absentee ballot was returned, by mail or in person, by an unauthorized person commits election misconduct in the third degree. Election misconduct in the third degree is a serious misdemeanor.
- ? Strikes the requirement that the names of judges standing for retention be rotated on the ballot if only one county is voting on retention of the judges named.
- ? Strikes the requirement that the State Voter Registration Commission prescribe voter registration forms by rule.
- ? Modifies the definition of "voting machine" to specifically include direct recording electronic devices.
- ? Requires the State Commissioner of Elections to provide by rule that voting machines and electronic voting systems approved for use after April 9, 2003, shall meet the voting systems performance and test standards adopted by the Federal Election Commission. This codifies current practice and administrative rule of the commissioner.
- ? Requires that a voting machine be so constructed as to provide the voter with an opportunity to change a vote before the ballot is recorded and counted and to remove information identifying the voter from the ballot before the ballot is recorded and counted.
- ? Requires that a direct recording electronic device have the capability to separately store each ballot which may be reproduced on paper in the case of a recount, manual audit, or machine malfunction.
- ? Strikes the provision that allows a voter to submit an absentee ballot application other than the application prepared by the State Commissioner of Elections.
- ? Provides that absentee ballot applications delivered to, and received by, the county commissioner of elections more than 70 days before the election be retained by the county commissioner and processed in the same manner as applications received not more than 70 days before the election.
- ? Requires that a completed application for an absentee ballot returned by a person acting on behalf of a political party, a candidate, or a political committee or a candidate's committee be returned to the county commissioner's office within 72 hours of the time the completed application was received from the applicant or no later than 5 p.m. on Friday before the election, whichever is earlier.
- ? Provides that when an application for an absentee ballot is solicited by, and returned to the county commissioner's office by, a person acting on behalf of a political party, a candidate, or a political committee or a candidate's committee, the person soliciting and returning the application must give the applicant a receipt for the completed application.
- ? Requires that each carrier envelope mailed along with an absentee ballot be marked "postage paid" by the county commissioner of elections.
- ? Provides that a voted absentee ballot may be returned to the county commissioner's office only by the voter, or by the special precinct election officials designated to deliver and return absentee ballots on behalf of a person confined in a health facility, or by a person designated by the voter if the voter was confined in a health facility outside the voter's county of residence within three days of the election, or by absentee ballot courier.
- ? Provides that a completed absentee ballot may be mailed to the county commissioner only by the voter, an immediate family member of the voter, or a person designated by the voter if the voter is confined in a health facility outside the voter's county of residence within three days of the election.
- ? Requires that a person who acts as an actual or implied agent of a political party, candidate, or committee be registered with the county commissioner of elections as an absentee ballot courier in order to deliver completed absentee ballots to the county commissioner. A person wishing to be registered as an absentee ballot courier must complete a training course in the laws, procedures and penalties related to handling completed absentee ballots. The curriculum for the training course shall be established by rule by the State Commissioner of Elections.
- ? Requires an absentee ballot courier to give the voter a receipt when retrieving a completed absentee ballot from the voter.
- ? Requires that a completed absentee ballot retrieved by a courier be delivered to the county commissioner of elections within 72 hours or before the closing of the polls on election day, whichever is earlier.
- ? Provides that a violation of the provisions relating to absentee ballot couriers is election misconduct in the first degree, which is a class "D" felony.

The Act takes effect April 16, 2004, and applies to elections held on or after September 15, 2004.

SENATE FILE 2279 - Satellite Absentee Voting Stations — Petition Requirements — VETOED BY THE GOVERNOR

BY COMMITTEE ON STATE GOVERNMENT. This bill would have made changes to the petition requirements for establishment of satellite absentee voting stations.

Currently, the county commissioner of elections (county auditor) is required to establish a satellite absentee voting station upon petition signed by not less than 100 eligible electors. The bill would have provided that a petition to establish a satellite absentee voting station in the unincorporated area of a county must be signed by not less than 100 eligible electors. The bill would have further changed the petition signature requirements relative to the population of a city as follows:

1. In a city with a population of less than 10,000, 100 eligible electors.
2. In a city with a population of 10,000 or more but less than 50,000, 250 eligible electors.
3. In a city with a population of 50,000 or more but less than 100,000, 500 eligible electors.
4. In a city with a population of 100,000 or more, 750 eligible electors.

Currently, a satellite absentee voting station established by petition is required to be open at least one day for a minimum of six hours. The bill would have changed the minimum number of hours from six to four.

The bill also would have required that the petition requesting establishment of a satellite absentee voting station list the precincts for which the commissioner is to provide ballots at the satellite absentee voting station.

HOUSE FILE 593 - Election Law Changes — VETOED BY THE GOVERNOR

BY COMMITTEE ON STATE GOVERNMENT. This bill would have made the following changes to the law relating to elections and voter registration:

- ? Provided that election of township trustees and township clerks be on a nonpartisan basis.
- ? Permitted a nomination petition to contain signatures on the front and back of a sheet of paper.
- ? Removed the requirement that the names of judges standing for retention be rotated on the ballot if only one county is voting on retention of the judges named.
- ? Removed the requirement that a majority of the members of the original precinct election board be present at the precinct polling place at all times during election day and required that only the chairperson of the precinct election board be present at the precinct polling place at all times during election day.
- ? Removed the factors that a county commissioner of elections is to consider when determining whether, in an election for a city of 3,500 or less population or in a school district election, voting shall be by voting machine or paper ballot.
- ? Provided that the polls may open at noon, rather than 7 a.m., for an election on a hotel and motel tax conducted in the unincorporated area of a county.
- ? Changed the time for closing precinct polling places from 9 p.m. to 8 p.m. for all elections.
- ? Provided that for all elections, other than elections for federal offices, ballots not voted or spoiled by voters and returned to the county commissioner may be destroyed the day after the last day to contest the election, or the day after final determination of any pending contest related to the election.
- ? Provided that the abstract of votes in the general election may be made on one sheet for county offices, rather than a separate sheet for each county officer.
- ? Allowed a voting machine to be used at satellite absentee voting stations or at the county commissioner's office for voting absentee ballots if the voting machine is a direct recording electronic voting system that is equipped with the ability to retrieve a ballot after the ballot has been voted and is constructed to remove information identifying the voter before the ballot is counted.
- ? Allowed an observer from each of the political parties to be present when ballots are counted if the county chairperson of the party has designated an observer.
- ? Allowed a voter to apply in person at the commissioner's office for an absentee ballot from 8 a.m. until 11 a.m. on the day of the election if it is an election at which the commissioner has directed that the polls shall open at noon.
- ? Provided that if a person elected by write-in votes at a regular city election chooses not to serve, the person submit their resignation to the city clerk by 5 p.m. on the 10th day following the canvass of that election.
- ? Provided that a person receiving write-in votes at city primary and city run-off elections must file an affidavit of candidacy or a resignation notice with the city clerk or commissioner of elections by 5 p.m. on the fourth day following the canvass of the election.

HOUSE FILE 2180 - Appointment of County Attorney — Residency Requirement

BY COMMITTEE ON LOCAL GOVERNMENT. This Act provides that if the county attorney position becomes vacant and the board of supervisors chooses to fill the vacancy by appointment pending the next election, the appointed attorney must

be a resident of the county at the time of appointment. Current law provides that the appointed attorney must be a resident of the county 60 days prior to appointment.

HOUSE FILE 2318 - Campaign Finance — Committee Organization or Dissolution — Contributions

BY COMMITTEE ON STATE GOVERNMENT. This Act makes a series of changes to the campaign finance laws in Code Chapter 68A.

Code Section 68A.201 is amended by eliminating an outdated reference and by limiting the required disclosure to contributions in excess of \$50 that are made by a committee which is not organized under that section.

Code Section 68A.202 is amended to exempt a permanent organization, making a one-time contribution over \$750, from the prohibition against establishing a political committee to advocate the nomination, election or defeat of a single candidate.

Code Section 68A.301 is amended to state that a candidate's committee may neither receive nor make contributions to another candidate's committee. Current language defining the term "campaign funds" is stricken; the term is left undefined, thus allowing a broad interpretation of that term.

Code Section 68A.303 is amended to prohibit a candidate's committee from making a donation to a charitable organization that employs the candidate or a member of the candidate's immediate family.

Code Section 68A.403 is amended to allow any person to file reports required by Code Chapter 68A.

Code Section 68A.503 is amended to restructure current provisions relating to allowable activity by an insurance company, savings and loan association, bank, credit union, or corporation.

Code Section 68A.504 is amended to restructure current provisions relating to the prohibition of contributions during the legislative session.

HOUSE FILE 2319 - Regulation of Political Activities and Materials

BY COMMITTEE ON STATE GOVERNMENT. Current law sets out the filing deadlines for candidate's and political committee reports in narrative form in the Campaign Finance Law. This Act reorganizes that information in chart form. Separate provisions are made for statewide, legislative and local committees. The actual time periods covered by the reports are specified.

Current requirements relating to the contents of candidate's and political committee reports are expanded and moved to a new Code section. The Act also adds a new Code section relating to committee dissolutions.

A current Code section relating to political material and yard signs is divided into two Code sections, one specifically relating to attribution statements on political material and one relating specifically to placement of campaign signs.

ENERGY AND PUBLIC UTILITIES

- SENATE FILE 2118 - Public Utilities — Public Road Rights-of-Way
- SENATE FILE 2187 - Municipal Utilities and Local Exchange Services
- SENATE FILE 2240 - Public Utilities — Proceedings for Temporary or Adjusted Rates, Charges, Schedules, or Regulations
- SENATE FILE 2244 - Municipal Utilities and Telecommunications Services
- HOUSE FILE 2243 - Liquefied Petroleum Gas Systems — Liability for Injuries or Damages
- HOUSE FILE 2397 - Actions to Abate Nuisances — Electric Utilities — Comparative Fault
- HOUSE FILE 2541 - Utility Replacement Taxes

RELATED LEGISLATION

- SENATE FILE 2026 - Sales and Use Tax on Gas, Electricity, and Fuel — Exemption for Residential Customers
SEE TAXATION. This Act sets the state sales and use tax rates on gas, electricity and fuel for residential customers as follows: 2 percent for the second half of the 2004 calendar year; 1 percent for the 2005 calendar year; and 0 percent, total state exemption, for the 2006 and subsequent calendar years.
- SENATE FILE 2288 - Federal Block Grant Appropriations
SEE APPROPRIATIONS. This Act appropriates federal block grant and other nonstate moneys to state agencies for the federal fiscal year beginning October 1, 2004, and ending September 30, 2005. The Act includes funding for the Low-Income Home Energy Assistance Program, known as LIHEAP.
- SENATE FILE 2298 - Government Funding, Administration, and Regulation — Appropriations and Miscellaneous Changes
SEE APPROPRIATIONS. Division XX of this Act provides a wind energy production tax credit based upon the amount of electricity sold which is produced by an electrical production facility that uses wind to produce the electricity. The tax credit may be used to offset the tax liability under the individual or corporate income tax, franchise tax, or insurance premiums tax.
- HOUSE FILE 2207 - Substantive Code Corrections
SEE STATE GOVERNMENT. This Act contains statutory corrections that adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities. Changes made include changes in Code language regarding ratemaking principles applicable to public utilities that add new electric energy generating facilities.

ENERGY AND PUBLIC UTILITIES

SENATE FILE 2118 - Public Utilities — Public Road Rights-of-Way

BY COMMITTEE ON COMMERCE. This Act provides that a public utility may construct, operate, repair, or maintain the utility's facilities within a public road right-of-way so long as the utility facility does not interfere with the public use of the road. The Act defines "public utility" as a public utility defined in Code Section 476.1, which includes companies that provide gas or electricity, communication services, and mutual or cooperative telephone companies, and also includes waterworks, municipally owned waterworks, joint water utilities, rural water districts, and cooperative water associations.

Division XVI of S.F. 2298 (see Appropriations) amends new Code Section 306.46, as enacted by this Act, to provide that the new section shall not impair or interfere with a city's authority to grant, amend, extend, or renew a franchise, and shall not impair or interfere with a city's existing general police powers to control the use of its right-of-way. The provision takes effect May 17, 2004.

The Act takes effect March 29, 2004.

SENATE FILE 2187 - Municipal Utilities and Local Exchange Services

BY COMMITTEE ON COMMERCE. This Act requires a city that owns or operates a municipal utility to perform an annual audit certifying compliance with the requirements of Code Section 388.10, which prohibits cross-subsidization and requires the maintenance of accounting records. The Act provides that accounting records relating to the provision of local exchange services are public records subject to Code Chapter 22, except for that information protected from public disclosure under Code Section 388.9, which protects proprietary information, customer names and accounts, or marketing strategies of municipal utilities. The Act permits a city or municipal utility to allocate the cost of use of city resources used by a municipal utility providing telecommunications service consistent with generally accepted accounting principles. The Act provides that the sales price of communication services furnished by a municipally owned public utility is not exempt from sales tax.

SENATE FILE 2240 - Public Utilities — Proceedings for Temporary or Adjusted Rates, Charges, Schedules, or Regulations

BY COMMITTEE ON COMMERCE. This Act permits a public utility to place in effect temporary rates 10 days after filing an application for a rate increase with the Iowa Utilities Board of the Department of Commerce and posting a bond. If the board determines that the temporary rates were not based on previously established regulatory principles, the board may order the utility to refund any overpayments made by customers.

The Act provides that in proceedings regarding rate regulation, the Iowa Utilities Board must adopt rules to require the board to consider verifiable data regarding the utility's costs and revenues existing within nine months after the conclusion of the test year and that parties proposing adjustments not verifiable at the start of the proceeding must include projected data related to the adjustments in their initial application to the board.

SENATE FILE 2244 - Municipal Utilities and Telecommunications Services

BY COMMITTEE ON COMMERCE. This Act requires a city that owns or operates a municipal utility providing telecommunications services to perform an annual audit certifying compliance with the requirements of Code Section 388.10. The Act defines "telecommunications services" to include local exchange telephone services, long distance services, Internet services, and cable television services. The Act provides that accounting records regarding the provision of local exchange services are public records subject to Code Chapter 22, except for information protected from public disclosure under Code Section 388.9. The Act replaces the term "local exchange service" with "telecommunications services." The Act permits a city or municipal utility to allocate the cost of use of city employees and resources used by a municipal utility providing telecommunications services based on generally accepted accounting principles. The Act exempts municipal airports from compliance with the requirements of Code Section 388.10.

HOUSE FILE 2243 - Liquefied Petroleum Gas Systems — Liability for Injuries or Damages

BY COMMITTEE ON COMMERCE, REGULATION AND LABOR. This Act provides that in an action regarding personal injuries or property damage resulting from defects or other condition of a liquefied petroleum gas system, the finder of fact shall consider any negligent act of a customer, owner, or other person installing, modifying, maintaining, or repairing the system if the negligent act was a cause in fact of the accident or condition causing the personal injuries or property damage. The Act defines "liquefied petroleum gas system."

HOUSE FILE 2397 - Actions to Abate Nuisances — Electric Utilities — Comparative Fault

BY COMMITTEE ON JUDICIARY. This Act provides that an electric utility may assert a defense of comparative fault in an action to abate a nuisance against the utility if the electric utility has complied with engineering and safety standards and if the electric utility has secured all required permits and approvals.

HOUSE FILE 2541 - Utility Replacement Taxes

BY COMMITTEE ON WAYS AND MEANS. This Act amends provisions of Code Chapter 437A, Taxes on Electricity and Natural Gas Providers, which establishes what is commonly referred to as the utility replacement tax.

The Act amends Code Section 437A.3, subsection 18, the definition of “major addition,” to include acquisition of electric transmission operating property. The change allocates transmission line additions of more than \$1 million to particular taxing districts. This addresses the current situation where it is possible for a taxing district to receive little if any replacement tax even with the physical presence of a considerable amount of transmission line property.

The Act also amends Code Section 437A.19, subsection 2, paragraph “f,” so as to require gas and electric utility companies that paid more than \$500,000 in replacement taxes to report estimated replacement taxes to the Department of Revenue by October 1. Companies not meeting the threshold, but expecting a 10 percent replacement tax variance from the previous tax year, would also have to report by October 1 rather than the current July 15 deadline. This amendment also requires gas and electric utility companies to report midyear additions of operating property, along with associated estimated replacement taxes, to the department by October 1, or the time the asset is put into service, whichever is later. Finally, the date that the department certifies gas and electric utility valuations to county auditors is changed from August 31 to October 31. This is necessary to accommodate the two preceding reporting date changes.

The Act takes effect April 20, 2004, and applies retroactively to January 1, 2004.

ENVIRONMENTAL PROTECTION

- HOUSE FILE 2351 - Waste Tire Management — Enforcement
- HOUSE FILE 2352 - Illegal Dumping Enforcement Officers
- HOUSE FILE 2392 - Conduct of Controlled Burns of Demolished Buildings by Cities
- HOUSE FILE 2401 - Petroleum Storage Tanks — Closures and Upgrades — Reimbursement
- HOUSE FILE 2517 - Environmental Regulation — Recycled Oil and Refuse-Derived Fuel
- HOUSE FILE 2523 - Regulation of Air Quality — VETOED BY THE GOVERNOR
- HOUSE FILE 2549 - Waste Tire Management Fund Appropriations

RELATED LEGISLATION

- SENATE FILE 2121 - Sales and Use Tax Exemption for Environmental Test Laboratory Services — VETOED BY THE GOVERNOR
SEE TAXATION. This bill would have exempted from the sales and use taxes the furnishing of environmental test laboratory services, including field testing services and mobile environmental test laboratories.
- SENATE FILE 2230 - Claims Resulting From Contaminated Property — Third-Party Liability — VETOED BY THE GOVERNOR
SEE CIVIL LAW, PROCEDURE & COURT ADMINISTRATION. This bill related to immunity from third-party liability for claims resulting from contaminated property. Division V of H.F. 2484 (see Business, Banking & Insurance) enacts similar legislation that takes effect May 6, 2004.
- SENATE FILE 2266 - Environmental Status of Rental Property — Landlord Disclosure
SEE CIVIL LAW, PROCEDURE & COURT ADMINISTRATION. This Act relates to the landlord disclosure requirements regarding the environmental status of rental property.
- SENATE FILE 2298 - Government Funding, Administration, and Regulation — Appropriations and Miscellaneous Changes
SEE APPROPRIATIONS. Division II of this Act appropriates moneys to support the Department of Natural Resources (DNR) and programs relating to environmental protection and extends the imposition of the environmental protection charge on petroleum diminution.

 Division X allows DNR to require, before a permit to operate is issued, a public water supply to replace its groundwater source if it is or is likely to be contaminated, but only if the public water supply is fully compensated for the additional costs.
- HOUSE FILE 2484 - Regulation of Financial Institutions and Real Property Transactions
SEE BUSINESS, BANKING & INSURANCE. Division V of this Act provides that a person holding indicia of ownership of property contaminated by a hazardous substance or waste may not be held liable for the contamination if certain conditions apply. The division does not provide immunity from criminal liability and takes effect May 6, 2004.
- HOUSE FILE 2518 - Soil and Water Conservation Districts — Survey of Private Contractors
SEE AGRICULTURE. This Act requires a biennial review of the availability of private soil and water conservation control contractors in each soil and water conservation district and preparation and Internet posting of a report containing the results of the review.
- HOUSE FILE 2538 - Cash Reserve, Infrastructure, and Environment First Funds — Transfers
SEE APPROPRIATIONS. This Act makes a transfer from the Cash Reserve Fund to the Rebuild Iowa Infrastructure Fund (RIIF) for FY 2003-2004. The transferred moneys are to be used for the standing appropriation from RIIF to the Environment First Fund. The Act takes effect April 2, 2004.

ENVIRONMENTAL PROTECTION

HOUSE FILE 2351 - Waste Tire Management — Enforcement

BY COMMITTEE ON ENVIRONMENTAL PROTECTION. This Act relates to the enforcement of waste tire violation provisions and provides a civil penalty.

The Act authorizes the Environmental Protection Commission or the Director of the Department of Natural Resources to issue any order necessary to secure compliance with or prevent a violation of Code Section 455D.11, or a rule adopted pursuant to the Code section, regulating the disposal of waste tires. The Act requires the Attorney General, upon request by the department, to institute any civil or criminal legal proceeding necessary to obtain compliance with an order of the commission or director or to prosecute a person for a violation of the Code section or a rule adopted pursuant to the Code section.

The Act provides that, unless otherwise provided under the Act, a person who violates a provision of Code Section 455D.11, a rule adopted pursuant to that Code section, or a condition of a permit or order issued pursuant to that Code section shall be subject to a civil penalty not to exceed \$5,000 for each day of such violation.

HOUSE FILE 2352 - Illegal Dumping Enforcement Officers

BY COMMITTEE ON ENVIRONMENTAL PROTECTION. This Act relates to illegal dumping enforcement officers.

The Act provides that the board of supervisors of each county may annually appoint an illegal dumping enforcement officer from recommendations made by the county board of health. However, the board of supervisors may select a person outside the recommendations made by the county board of health. The person appointed must be a citizen of the United States who is of good moral character and who has not previously been convicted of a felony.

The Act requires an illegal dumping enforcement officer to take an oath of office prescribed by the board of supervisors, and provides that an officer's appointment is effective March 1 and continues for a term at the discretion of the board of supervisors.

The Act provides that an illegal dumping enforcement officer, subject to direction and control by the county board of supervisors, is only empowered to enforce the provisions of Code Sections 455B.307A, relating to the discarding of solid waste, and 455B.363, relating to litter, and local littering ordinances. The Act prohibits an officer from having the duty to enforce any other traffic or criminal laws of the state, county or a municipality. The Act allows an officer to enter upon any public land in the county, excluding land within the limits of cities, unless otherwise authorized by a city, and any private property with the permission of the landowner, at any time for the performance of the officer's duties, and allows the officer to hire the labor and equipment necessary subject to the approval of the board of supervisors.

The Act provides that a person shall not willfully obstruct, resist, impede, or interfere with an officer in connection with the officer's enforcement of Code Sections 455B.307A and 455B.363 and local littering ordinances. The Act provides that a person shall not willfully retaliate or discriminate in any manner against an officer as a reprisal for any act or omission of the officer. The Act provides that a person violating these provisions is guilty of a simple misdemeanor.

HOUSE FILE 2392 - Conduct of Controlled Burns of Demolished Buildings by Cities

BY COMMITTEE ON ENVIRONMENTAL PROTECTION. This Act relates to controlled burns of demolished buildings conducted by certain cities.

Currently, the Environmental Protection Commission is required to adopt rules allowing a city to conduct a controlled burn of a demolished building subject to the same restrictions as are in effect for fire fighting training fires. The rules are required to include a provision that a city may undertake no more than three controlled burns in every overlapping six-tenths-of-a-mile-radius circle every three years.

The Act eliminates the requirement that controlled burns of demolished buildings are subject to the same restrictions as are in effect for fire fighting training fires and provides that such burns are subject to the requirements that are in effect for the proper removal of all asbestos-containing materials prior to demolition and burning. The Act eliminates the current restrictions on the number of controlled burns and provides both of the following:

1. That for a burn site located outside a city, the rules shall include a provision that a city may undertake not more than one controlled burn per day and that a burn site shall be limited to an area located at least six-tenths of a mile from any inhabited building.

2. That for a burn site located within a city, the rules shall include a provision that a city may undertake not more than one controlled burn in every six-tenths-of-a-mile-radius circle in each calendar year.

The Act provides that burn sites shall have controlled access, be supervised by representatives of the city at all times, and be conducted only when weather conditions are favorable with respect to surrounding property.

HOUSE FILE 2401 - Petroleum Storage Tanks — Closures and Upgrades — Reimbursement

BY COMMITTEE ON ENVIRONMENTAL PROTECTION. This Act relates to the Comprehensive Petroleum Underground Storage Tank Fund.

The Act provides that moneys in the Remedial Account of the fund may be used for costs for the permanent closure of an underground storage tank system that was in place on the date an eligible claim was submitted under the Remedial Account, but limits reimbursement to costs approved by the board prior to the closure activities. The closure activities must be completed by December 31, 2005.

The Act establishes an Aboveground Petroleum Storage Tank Fund as a separate fund in the State Treasury under the control of the Iowa Comprehensive Petroleum Underground Storage Tank Board. The Act authorizes the board to enter into a contract with a qualified business to provide for administration of the fund. The board is also authorized to reimburse the owner of an aboveground petroleum storage tank site up to \$25,000 per site, but not more than a total of \$100,000 per owner, for the upgrade or permanent closure of the aboveground petroleum storage tank site provided certain criteria are met.

The board, or a contractor, may enter into contracts with qualified businesses to provide permanent closure services at eligible aboveground petroleum storage tank sites. The board or a contractor may limit reimbursement to those activities approved under the terms of the contracts. The board or a contractor may allow permanent closure activities to occur and be reimbursed after February 18, 2005, at those tank sites where the owner timely applied for reimbursement and agreed to allow the board or contractor to complete the permanent closure at a time determined to be convenient to the board. All activities conducted under these provisions must be completed by December 31, 2006.

The board may limit reimbursement to those activities that receive prior budget approval from the board.

The board may enter into an agreement authorized under Code Chapter 28E with the State Fire Marshal for the development and maintenance of a database to track registration, technical information, and other information determined necessary to evaluate the operation and safety of aboveground petroleum storage tank sites in Iowa.

The provisions of this Act are repealed December 31, 2006.

The Act takes effect April 20, 2004.

HOUSE FILE 2517 - Environmental Regulation — Recycled Oil and Refuse-Derived Fuel

BY COMMITTEE ON ENVIRONMENTAL PROTECTION. This Act relates to environmental regulations administered by the Department of Natural Resources (DNR) regarding the use of recycled oil and the calculation of waste volume reduction measures. The Act eliminates a provision requiring DNR to adopt rules regulating the use of recycled oil for the purpose of road oiling, dust control, or weed control. The Act also eliminates a provision that allowed the inclusion of reduction attributable to refuse-derived fuel in the calculation of a city or county in meeting the waste reduction goal of the state and makes conforming amendments.

HOUSE FILE 2523 - Regulation of Air Quality — VETOED BY THE GOVERNOR

BY COMMITTEE ON ENVIRONMENTAL PROTECTION. This bill would have amended provisions in Code Chapters 455B and 459, regulating air quality by the Department of Natural Resources. Code Chapter 455B, Division II, provides general air quality regulatory authority to the department, and Code Chapter 459 specifically regulates animal feeding operations and especially confinement feeding operations.

GENERAL REGULATION OF AIR EMISSIONS. The bill would have prohibited the department from adopting an ambient air quality standard for which the U. S. Environmental Protection Agency had not promulgated a standard. It also would have prohibited the department from adopting a rule regulating air quality concerning animal feeding operations except as provided in Code Chapter 459.

ODOR HEALTH EFFECT ADVISORY PANEL. The bill would have established an Odor Health Effect Advisory Panel to issue interim reports and a final report to the General Assembly regarding health effect levels for odor. The panel would have been

composed of a number of persons representing public and private organizations, including regulators, the scientific community, animal agriculture, rural residents, and industry.

AIR POLLUTANTS EMITTED FROM ANIMAL FEEDING OPERATIONS. The bill would have rewritten current Code Section 459.207, authorizing the department to regulate airborne pollutants (defined as hydrogen sulfide, ammonia, or odor) emitted from animal feeding operations. The Code section currently provides that any air quality standard established by the department must be based on, and enforced at, distances measured from a confinement feeding operation structure to a separated location defined as a residence, school, church, business, or public use area (but not public thoroughfare).

The bill would have provided that departmental standards must be based on a "health effect level" for odor that is at a level and duration of exposure that causes a material and verifiable physical disease when humans are exposed to an airborne pollutant for certain periods when measured at a separated location. The standards also would have provided for a "minimal risk level" that is a duration of exposure to hydrogen sulfide or ammonia as recorded at separated locations. The bill would have required the department to conduct a comprehensive field study to monitor the level of airborne pollutants emitted from animal feeding operations for a period of at least three years and would have established procedures for conducting the field study; established minimal risk levels for hydrogen sulfide and ammonia, including for short-term and long-term durations; and required the department to adopt rules following the completion of the field study, including by establishing recommended best management practices, and provisions to enforce minimal risk levels and health effect levels. The department would have been prohibited from adopting regulatory rules until a statute providing for a health effect level was enacted. The bill would have restricted how the department could collect data in connection with enforcing an air quality standard. It also would have provided a grace period for the owner of a confinement feeding operation to comply with air quality standards before the department could initiate an enforcement action.

HOUSE FILE 2549 - Waste Tire Management Fund Appropriations

BY COMMITTEE ON APPROPRIATIONS. This Act appropriates moneys in the Waste Tire Management Fund.

The Act changes the standing appropriations from the Waste Tire Management Fund to provide the following:

- ? Of the moneys in the fund, 30 percent is to be used for 2.50 full-time equivalent positions (FTEs) in the Department of Natural Resources. One FTE is to be for the administration of permits and registrations for tire processing, storage, and hauling activities, and tire program initiatives. The remaining FTEs are to be for waste tire-related compliance checks and inspections at field offices around the state.
- ? Of the moneys in the fund, 10 percent is to be used for a public education and awareness initiative related to proper tire disposal options and environmental and health hazards posed by improper tire storage.
- ? Of the moneys in the fund, 30 percent is to be used for market development initiatives for waste tires.
- ? Of the moneys in the fund, 30 percent is to be used for waste tire stockpile abatement initiatives which would require a cost-share agreement with the landowner.

The Act eliminates a future repeal of the Waste Tire Management Fund. The Act repeals the Waste Tire Grant Program and programs awarding moneys to regents institutions for using tire-derived fuel and to end-users of processed waste tires.

The Act provides that, on July 1, 2004, any unencumbered or unobligated moneys that were awarded from the Waste Tire Management Fund are to revert to the fund and are to be reallocated and appropriated to fund the 2.50 FTEs created in the Act. Commencing with the fiscal year ending June 30, 2005, and each subsequent fiscal year through June 30, 2007, any unencumbered or unobligated moneys that are awarded from the Waste Tire Management Fund are to remain in the fund and are to be appropriated pursuant to the provisions of the Act.

GAMING

- SENATE FILE 2149 - Bingo and Raffles
- HOUSE FILE 2133 - Lottery Authority Budget Information — Reports to Legislature
- HOUSE FILE 2302 - Gambling — Miscellaneous Changes
- HOUSE FILE 2562 - Electrical and Mechanical Amusement Devices

RELATED LEGISLATION

- HOUSE FILE 2207 - Substantive Code Corrections
SEE STATE GOVERNMENT. This Act contains statutory corrections that adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities. Changes made include changes to provisions relating to the Iowa Lottery Authority.
- HOUSE FILE 2538 - Cash Reserve, Infrastructure, and Environment First Funds — Transfers
SEE APPROPRIATIONS. This Act makes a transfer from the Cash Reserve Fund to the Rebuild Iowa Infrastructure Fund (RIIF) for FY 2003-2004. The transferred moneys are to be used for the standing appropriation from RIIF to the Environment First Fund. Contingent language provides for repayment of the transfer in the event a temporary tax on gambling games is enacted. The Act takes effect April 2, 2004.

GAMING

SENATE FILE 2149 - Bingo and Raffles

BY COMMITTEE ON STATE GOVERNMENT. This Act makes changes concerning bingo and raffles.

Concerning bingo, the Act permits bingo games that allow for a trade-in of a card for not more than 50 cents per trade-in. In addition, the Act permits two jackpot bingo games during a 24-hour period and authorizes a maximum prize of \$1,000 for the first jackpot bingo game and \$2,500 for the second jackpot bingo game. Previous law only permitted one jackpot bingo game during a 24-hour period with a maximum prize of \$800. The Act also increases, from \$100 to \$200, the amount a jackpot can increase after each bingo occasion. The Act also provides that for a person issued a limited license to conduct all games and raffles during a specified 14-day period, bingo may only be conducted once per each seven consecutive days during the specified period.

For raffles, the Act allows a person with the appropriate license to award a cash prize of up to \$200,000 at an annual raffle or a raffle conducted by a statewide raffle licensee. Prior law only permitted the award of a cash prize at a raffle in an amount not in excess of \$10,000. The Act also directs the Department of Inspections and Appeals to conduct an audit to verify compliance with the requirements governing raffles if the cash prize awarded at a raffle exceeds \$100,000.

The Act takes effect April 12, 2004.

HOUSE FILE 2133 - Lottery Authority Budget Information — Reports to Legislature

BY COMMITTEE ON GOVERNMENT OVERSIGHT. This Act directs the Chief Executive Officer of the Iowa Lottery Authority to submit copies of the budget information currently required to be submitted to the Department of Management by October 1 to the Legislative Government Oversight Committees and the Legislative Services Agency by the same date.

HOUSE FILE 2302 - Gambling — Miscellaneous Changes

BY COMMITTEE ON STATE GOVERNMENT. This Act makes several changes to provisions governing gambling in Iowa, including the operation, licensure, regulation, fee assessment, and taxation of racetracks, excursion gambling boats, and gambling games. In addition, the Act makes changes related to the Racing and Gaming Commission, gambling by minors and others, and provides for the distribution of certain revenues generated by gaming to the Gambling Treatment Fund and a County Endowment Fund.

Taxation and Fee Assessments

The Act makes changes to the taxation of adjusted gross receipts received by racetracks and excursion gambling boats from gambling games. The tax on adjusted gross receipts from gambling games shall be imposed on a fiscal year, and not a calendar year, basis. The Act then changes the rate of tax on adjusted gross receipts received over \$3 million. For excursion gambling boats, the rate on receipts over \$3 million is 22 percent. For a racetrack with no other licensee located in the same county, the rate is 24 percent. If the racetrack is located in the same county as another licensee, and the racetrack does not have a table games license or had adjusted gross receipts from gambling games in the prior fiscal year of less than \$100 million, the rate is 22 percent. If the racetrack is located in the same county as another licensee, and the racetrack has a table games license and had adjusted gross receipts from gambling games in the prior fiscal year of \$100 million or more, the rate is 22 percent until the racetrack's table games operation becomes operational, at which point the rate will be 24 percent. Of the revenues received, the Act provides that an amount equal to one-half of 1 percent, and not the previous three-tenths of 1 percent, of adjusted gross receipts shall be deposited in the Gambling Treatment Fund. In addition, an amount of tax received equal to one-half of 1 percent of adjusted gross receipts shall be deposited in a County Endowment Fund created by the Act.

The Act also creates additional assessments and taxes on adjusted gross receipts from excursion gambling boats and racetracks. For racetracks, a 2002-2004 racetrack enclosure gambling games tax is imposed on adjusted gross receipts received over \$3 million for the fiscal year beginning July 1, 2002, and for the fiscal year beginning July 1, 2003. The current effective 20 percent rate is modified to provide for a rate for both fiscal years of 22 percent for a racetrack with adjusted gross receipts from gambling games of less than \$100 million, and a rate for both fiscal years of 24 percent for a racetrack with adjusted gross receipts of \$100 million or more. Revenues generated by this tax are deposited in the Rebuild Iowa Infrastructure Fund (RIIF).

For excursion gambling boats licensed as of January 1, 2004, a 2005 and 2006 rebuild Iowa infrastructure assessment is imposed at the rate of 2.152 percent each year on estimated adjusted gross receipts of each boat for the fiscal year beginning July 1, 2004, as determined prior to May 6, 2004. The assessed rate will generate about \$15 million each year. The

assessment is to be paid by June 1, 2005, and June 1, 2006, with moneys received deposited in RIIF. The assessments paid by each excursion gambling boat shall be a credit on taxes required to be paid to the extent of 20 percent for each of five fiscal years beginning July 1, 2010.

New Table Games and Gambling Game Licenses

The Act provides for the issuance of a table games license to racetracks currently authorized to conduct gambling games. Previously, racetracks could only offer slot machines and not table games of chance, such as blackjack and poker. The Act requires the Racing and Gaming Commission to issue the table games license to a racetrack upon immediate payment of the applicable license fee and submission of an application to the commission by June 1, 2005. The Act establishes the applicable license fee at \$3 million for a racetrack with adjusted gross receipts from gambling games of less than \$100 million, and at \$10 million for a racetrack with adjusted gross receipts of \$100 million or more. Fees paid for this license are to be deposited in RIIF. However, a table games license shall not be issued to a racetrack required to pay the \$3 million fee unless every licensee within the same county files an agreement with the commission authorizing table games and permitting each excursion gambling boat licensee to operate a moored barge. The license fees paid shall be a credit on taxes required to be paid to the extent of 20 percent for each of five fiscal years beginning July 1, 2008. The provisions of this Act providing for the issuance of a table games license take effect May 6, 2004.

Except for the establishment of an area in the downtown Des Moines vicinity in which no gambling games may be conducted, the Act does not specifically establish a moratorium on or provide for the granting of additional licenses to conduct gambling games on excursion gambling boats. However, the Act does provide for fees to be paid if a new license to conduct gambling games is granted. The Act provides for a license fee of \$5 million for a licensee to be located in a county with a population of 15,000 or less, \$10 million for a licensee to be located in a county with a population of more than 15,000 and less than 100,000, and \$20 million for a licensee to be located in a county with a population of 100,000 or more. Fees paid are to be deposited in RIIF, with 20 percent of the fee payable upon filing an application for a license and 20 percent payable each of the next four years thereafter.

Changes Impacting Racetracks and Excursion Gambling Boats

Each racetrack and excursion gambling boat licensee must establish a process to allow persons to voluntarily exclude themselves for life from all facilities licensed under Code Chapters 99D and 99F. The change provides that the state and any licensee shall not be liable for any claim arising out of this process and that any item of value owed to a voluntarily excluded person as a result of wagers made by that person shall be forfeited and shall be deposited in the Gambling Treatment Fund.

The Act also limits the dispensing of cash and credit at a racetrack or excursion gambling boat. A licensee shall prohibit the location of an electronic and mechanical device, including satellite terminals, that dispenses cash or credit in the wagering or gaming area of the licensed premises. The Act permits these devices outside the wagering and gaming area, but requires licensees to ensure that persons can voluntarily bar their ability to access cash or credit from these devices.

Racetrack and excursion gambling boat licensees shall use a substantial amount of goods and resources that emanate from and are made in Iowa.

Required audits of racetrack and gambling game operations must be conducted of the licensee's total racetrack and gambling game operations by an auditor selected by the applicable county board of supervisors.

Information gathered during the pendency of an investigation conducted by the Racing and Gaming Commission is confidential.

Licensees of racetracks and excursion gambling boats conducting gambling games shall provide for a minimum distribution of at least 3 percent of adjusted gross receipts received from gambling games by the licensee for charitable uses.

A person under the age of 21 making or attempting to make a wager at a racetrack or excursion gambling boat commits a scheduled violation subject to a fine of \$500.

The Act eliminates the specific imposition of an admission fee for racetracks and excursion gambling boats and amends language to reflect that the fees charged boats and racetracks with gambling games for enforcement costs are a regulatory fee. For racetracks specifically, the current 50 cents per person admission fee is eliminated and instead a regulatory fee in an amount that includes the cost of two special agents for each racetrack if the racetrack does not have a table games license, or three special agents if the racetrack has a table games license, plus the direct and indirect support costs of the Division of Criminal Investigation's activities concerning racetracks, is imposed.

A referendum on a proposal to conduct gambling games at a racetrack or on an excursion gambling boat cannot be held for at least eight years after a referendum has been defeated. This provision applies retroactively to votes on referendums held on or after January 1, 2002.

The Act allows gambling games or implements previously installed at a gambling location licensed in another jurisdiction or within the state to be permitted by a manufacturer or distributor of such items that is not licensed in Iowa. Previously, the licensure exception applied only to items previously installed on an excursion gambling boat.

Changes Impacting Excursion Gambling Boats

The Act eliminates the requirement that an excursion gambling boat be a self-propelled vessel that is required to cruise. A valid excursion gambling boat can be a moored barge or an excursion boat that is or has been certified for operation as a vessel that may or may not cruise. If the boat does cruise, current cruising requirements established by the Racing and Gaming Commission apply. However, an existing licensee of an excursion gambling boat located in a county that has a racetrack licensee may not be allowed to operate a moored barge. If the boat licensee is located in a county in which the racetrack licensee had adjusted gross receipts from gambling games of less than \$100,000 for the fiscal year beginning July 1, 2003 (i.e., Dubuque County), the boat licensee can operate a moored barge only if all licensees in the county agree and also permit the racetrack licensee to obtain a table games license. If the boat licensee is located in a county in which the racetrack licensee had adjusted gross receipts from gambling games of \$100,000 or more for the fiscal year beginning July 1, 2003 (i.e., Pottawattamie County), the boat licensee can operate a moored barge the earlier of July 1, 2007, or the date a gambling game facility is operational in any state contiguous to that county (i.e., Nebraska).

An excursion gambling boat can be located on a natural or man-made lake or reservoir that can accommodate recreational activity or on water that is within 1,000 feet of the high water mark of a river.

The Act also eliminates the requirement that excursion gambling boats include a section on the boat for activities for persons under age 21.

The Act amends a provision requiring excursion gambling boats operating on the inland waters to comply with the water navigation requirements of Code Chapter 462A to provide that excursion boats removed from navigation be subject to these requirements and that boats subject to this provision be under the exclusive jurisdiction of the Department of Natural Resources.

Changes Impacting Racetracks

Agreements for horse purses at racetracks for agreements beginning on or after January 1, 2006, and ending before January 1, 2021, shall provide that the total annual horse purses shall be no less than 11 percent on the first \$200 million of net receipts and 6 percent on net receipts over \$200 million. Agreements for horse purses shall be jointly submitted to the Racing and Gaming Commission for approval. The Act defines "net receipts" as the annual adjusted gross receipts from gambling games, less the annual amount pledged for a current Vision Iowa project.

One-half of 1 percent of the gross sum wagered by the pari-mutuel method, excluding simulcast wagering, shall be deposited in the Gambling Treatment Fund.

The Act also makes changes relating to racetracks recommended by the Racing and Gaming Commission. The Act changes the term "lasix" to "furosemide" wherever it occurs in Code Chapter 99D; provides, effective April 1, 2004, that employees of the Racing and Gaming Commission in the positions of equine veterinarian, canine veterinarian, and equine steward are excluded from the merit system provisions of Code Chapter 8A and shall not be covered by a collective bargaining agreement; permits the Racing and Gaming Commission to adopt, by reference, any nationally recognized standard relating to chemical testing; and makes changes, effective April 1, 2004, concerning the conducting of a postmortem examination of a horse that dies at a racetrack to include providing that the postmortem be conducted by a veterinarian or veterinary pathologist with the owner of the horse required to pay the costs associated with the postmortem and any laboratory testing. The Act also eliminates the requirement to randomly drug test horses both before and after a race while keeping the requirement to randomly drug test horses on the day of a race and allows a trainer's designee the ability to provide information on the entry blank relating to a horse's use of phenylbutazone, and provides that the current civil penalty amounts the commission can impose for a first or second offense violation of this Code section are minimum amounts.

Miscellaneous Provisions

New Code Section 15E.311 creates a County Endowment Fund within the Department of Revenue. The new Code section provides that at the end of each fiscal year, moneys in the fund shall be transferred, on an equal basis, to accounts representing each county that does not have a licensee in that county conducting gambling games. The Act provides that the Endow Iowa Board shall select an eligible community foundation or affiliate organization for each eligible county for receipt of the moneys transferred to that county. Of the moneys received by an eligible community foundation or affiliate organization, 75 percent shall be used for grants to recipients in that county and 25 percent shall be retained by the foundation or organization as an endowment. If no eligible foundation or organization exists for a county, moneys shall remain in the account for that county until an eligible foundation or organization is created.

The Act requires the Legislative Council to expend up to \$100,000 to have an independent entity conduct a socioeconomic study on gambling and have a report issued by July 1, 2005. In addition, the Racing and Gaming Commission is required to conduct a socioeconomic study on gambling every eight years beginning in calendar year 2008.

The Act provides that one-half of 1 percent, and not three-tenths of 1 percent, of gross revenue of the Lottery Authority shall be deposited in the Gambling Treatment Fund.

New Code Section 135.150 establishes a Gambling Treatment Fund under the control of the Iowa Department of Public Health. The fund consists of moneys appropriated to the fund, but moneys appropriated to the fund in excess of \$6 million in a fiscal year shall be transferred to the General Fund of the State. Moneys in the fund shall be used by the department for purposes of creating a gambling treatment program which shall provide programs for persons affected by problem gambling, rehabilitation and residential treatment programs, information and referral services, crisis call access, education and preventative services, and financial management and credit counseling services.

New Code Section 725.19, concerning gambling by minors, is created by the Act. The new Code section provides that it is a scheduled violation for a person under age 21 to make or attempt to make a gambling wager, except as permitted under Code Chapter 99B. The scheduled fine for this violation is \$500. The new Code section also establishes that a person who knowingly permits a person under age 21 to make or attempt to make a gambling wager, except as permitted under Code Chapter 99B, commits a simple misdemeanor.

HOUSE FILE 2562 - Electrical and Mechanical Amusement Devices

BY COMMITTEE ON WAYS AND MEANS. This Act concerns electrical and mechanical amusement devices that award prizes not based upon any skill. These devices were required to be registered with the Department of Inspections and Appeals pursuant to legislation passed during the 2003 Legislative Session (H.F. 594). That Act provided for the registration of these devices, limited the number per certain locations, established fees for registering these devices, and provided that the fees collected between July 2003 and July 2005 be deposited in a fund and used by the Department of Public Safety and Department of Inspections and Appeals to enforce requirements governing these devices. This Act modifies several provisions of that Act, concerning who may offer these devices to the public, providing for limits on the total number of machines allowed to be registered, modifying the fees required for registering the devices, and establishing penalties applicable for underage use of the machines and for other improper uses of the devices. The Act does not involve or impact most children's arcade-type games that award prizes based upon some skill of the operator.

The Act provides that electrical and mechanical amusement devices that are required to be registered can be located only at a location which has been issued a class "A," "B," "C," or "D" liquor control license or a class "B" or "C" beer permit. The current requirement that no more than two devices can be located at a nonprofit location and no more than four devices in any other location is maintained. Persons who have registered an amusement device as of April 28, 2004, that is not located at one of these liquor control or beer permit locations may offer the devices only until July 1, 2005.

The Act further provides that the total number of amusement devices registered by the Department of Inspections and Appeals cannot exceed the number registered as of April 28, 2004. In addition, a person locating the device at a location for which only a class "B" or "C" beer permit has been issued cannot register any additional devices after April 28, 2004, and cannot relocate devices properly registered prior to April 28, 2004, to a different location.

The Act also provides that amusement devices required to be registered shall include, by January 1, 2006, a counting mechanism to determine business volume and shall, by July 1, 2004, for devices located where a class "B" or "C" beer permit has been issued, include a security device which prevents operation of the device without action by the owner.

The Act also provides that a person owning or leasing an electrical and mechanical amusement device required to be registered shall not advertise the availability of the device as other than an electrical and mechanical amusement device pursuant to rules adopted by the Department of Inspections and Appeals.

The Act provides that the current \$2,500 annual registration fee applies to manufacturers, manufacturer's representatives, and for-profit owners of two or fewer amusement devices. The Act provides that the annual registration fee for distributors shall be \$5,000. A distributor is a person that owns registered amusement devices that are offered for use by the public at more than a single location.

The Act provides that for awarding a cash prize in violation of the statute, the department shall revoke the registration of a person for 10 years, the person's liquor control license or beer permit shall be suspended for a period of 14 days, and, if the person has only a beer permit, the person's sales tax permit shall also be suspended for 14 days.

The Act provides that a person under the age of 21 cannot operate an electrical and mechanical amusement device required to be registered and a person owning or leasing a device cannot knowingly allow a person under age 21 to operate such a device. The Act provides that a person under age 21 who operates a device in violation of this provision commits a scheduled violation with a scheduled fine of \$250.

The Act takes effect April 28, 2004.

HEALTH AND SAFETY

- SENATE FILE 2153 - Public Health Emergencies or Disasters — Financial Assistance
- SENATE FILE 2190 - Long-Term Care System Development — VETOED BY THE GOVERNOR
- SENATE FILE 2209 - Immunizations — Mercury Content — Reimbursement
- HOUSE FILE 2042 - Blood Donations by Sixteen-Year-Old Persons
- HOUSE FILE 2187 - Registered Dental Assistants — Examination Elimination — VETOED BY THE GOVERNOR
- HOUSE FILE 2200 - Arson and Fire Safety Regulation
- HOUSE FILE 2343 - First Responder Vaccination Program
- HOUSE FILE 2358 - Practice of Cosmetology — Miscellaneous Changes
- HOUSE FILE 2362 - Birth Defects Institute — Renamed — Duties
- HOUSE FILE 2447 - Elevators, Boilers, and Pressure Vessels — Regulation and Safety
- HOUSE FILE 2464 - Automated External Defibrillator Grant Program
- HOUSE FILE 2496 - Physical Therapy — Use of Professional Titles and Other Designations
- HOUSE FILE 2506 - Electronic and Facsimile Prescriptions
- HOUSE FILE 2514 - Dementia-Specific Alternative Living — VETOED BY THE GOVERNOR
- HOUSE FILE 2551 - Public Health Programs and Regulation — Miscellaneous Changes
- HOUSE FILE 2555 - Public Health Programs and Regulation — Additional Provisions

RELATED LEGISLATION

- SENATE FILE 2059 - Birth Certificate Fees — Appropriation
SEE APPROPRIATIONS. This Act provides for a standing appropriation of fees generated from the registration of certificates of birth. The fees are appropriated for primary and secondary child abuse prevention programs and for the Birth Defects Institute Central Registry. The Act takes effect March 18, 2004.
- SENATE FILE 2177 - Possession and Administration of Asthma or Other Airway Constricting Disease Medication
SEE EDUCATION. This Act requires school districts and accredited nonpublic schools to allow a student to possess and self-administer asthma or other airway constricting disease medication if the student's parent or guardian submits written authorization to the school, along with the name and purpose of the medication, the prescribed dosage, and the times at which or the special circumstances under which the medication is to be administered; and indemnifies the school against any claim other than a claim based on gross negligence.
- SENATE FILE 2202 - Meningococcal Disease — Vaccination Information for Postsecondary Students
SEE EDUCATION. This Act requires institutions of higher education that have on-campus residence halls or dormitories to provide students with meningococcal disease vaccination information on student health forms.
- SENATE FILE 2230 - Claims Resulting From Contaminated Property — Third-Party Liability — VETOED BY THE GOVERNOR
SEE CIVIL LAW, PROCEDURE & COURT ADMINISTRATION. This bill related to immunity from third-party liability for claims resulting from contaminated property. Division V of H.F. 2484 (see Business, Banking & Insurance) enacts similar legislation that takes effect May 6, 2004.
- SENATE FILE 2266 - Environmental Status of Rental Property — Landlord Disclosure
SEE CIVIL LAW, PROCEDURE & COURT ADMINISTRATION. This Act relates to the landlord disclosure requirements regarding the environmental status of rental property.
- SENATE FILE 2288 - Federal Block Grant Appropriations
SEE APPROPRIATIONS. This Act appropriates federal block grant and other nonstate moneys to state agencies for the federal fiscal year beginning October 1, 2004, and ending September 30,

2005. The Act includes funding for maternal and child health, preventive health and health services, substance abuse programs, low-income energy assistance, mental health, child care, social services, and other health and human services-related programs.

SENATE FILE 2298

- Government Funding, Administration, and Regulation — Appropriations and Miscellaneous Changes

SEE APPROPRIATIONS. Divisions V and VI of this Act make appropriations for health and human services and provide numerous related provisions.

Division VII distributes and appropriates state funding for MH/MR/DD/BI services provided by counties for FY 2004-2005 and FY 2005-2006.

Division X reduces by almost \$30 million the amount appropriated to the Endowment for Iowa's Health Account, appropriates \$10,000 to the Iowa Department of Public Health (IDPH) for a test program for a buying cooperative approach for purchasing prescription drugs, and requires IDPH to establish a mobile dental delivery system to provide and improve oral health services to certain low-income persons.

Division XXI provides for the licensing of interpreters for the hearing impaired.

Division XXII makes changes relating to Iowa individual income tax checkoffs. The division enacts the Volunteer Fire Fighter Preparedness Checkoff and Volunteer Fire Fighter Preparedness Fund. Moneys in the fund are appropriated to the Division of Fire Protection of the Department of Public Safety to be used to pay the costs of providing volunteer fire fighter training around the state and volunteer fire fighter training equipment.

Division XXIV increases the monthly wireless communications surcharge from 50 to 65 cents per wireless line provided in Iowa and redistributes funds collected from the fund to pay off outstanding program obligations and to increase funding to joint E911 service boards and the Department of Public Defense to implement wireless E911 phase 2 of the E911 Program.

HOUSE FILE 2193

- Cosmetology Licensure — Training Requirements

SEE STATE GOVERNMENT. This Act relates to the manner in which hours of study requirements regarding licensure as a cosmetologist shall be determined.

HOUSE FILE 2201

- Massage Therapy — Exemptions From Licensure Requirements

SEE STATE GOVERNMENT. This Act provides that the licensure provisions of Code Chapter 152C, relating to massage therapy, shall not apply to a number of designated individuals.

HOUSE FILE 2207

- Substantive Code Corrections

SEE STATE GOVERNMENT. This Act contains statutory corrections that adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities. Changes made include changes to Code language on regulation of physician assistants, inspections of jails, animal feeding operations, temporary removal hearings in child in need of assistance proceedings, health maintenance organization annual reports, the plan to assure fair access to insurance requirements, and no-contact orders issued in judgment and sentencing proceedings.

HOUSE FILE 2259

- Pseudoephedrine — Sale, Purchase, or Theft — Penalties

SEE CRIMINAL LAW, PROCEDURE & CORRECTIONS. This Act restricts the sale of certain products containing pseudoephedrine as the product's sole active ingredient.

HOUSE FILE 2352

- Illegal Dumping Enforcement Officers

SEE ENVIRONMENTAL PROTECTION. This Act relates to illegal dumping enforcement officers appointed by a county board of supervisors.

HOUSE FILE 2378

- Medical Assistance Trusts — Payment Rates

SEE HUMAN SERVICES. This Act relates to the disposition of the property received or held by a medical assistance income trust, also known as a Miller Trust.

HOUSE FILE 2381

- County Hospital Budget Certification

SEE LOCAL GOVERNMENT. This Act changes from March 1 to March 15 the budget certification deadline for county hospital budgets.

- HOUSE FILE 2390** - Human Services — Miscellaneous Changes
SEE HUMAN SERVICES. This Act makes changes to programs and services under the purview of the Department of Human Services, including dependent adult abuse provisions relating to those persons required to report suspected dependent adult abuse.
- HOUSE FILE 2452** - Athletic Training — Licensure Requirements
SEE STATE GOVERNMENT. This Act provides that an individual engaged in the practice of athletic training must obtain a license pursuant to the provisions of Code Chapter 152D, Athletic Training. Previously, such individual had the option of utilizing the title of “athletic trainer” by becoming licensed, but licensure was not mandated.
- HOUSE FILE 2476** - Communicable Diseases Affecting Poultry — Pathogenic Viruses
SEE AGRICULTURE. This Act regulates certain pathogens affecting poultry, including avian paramyxovirus, commonly referred to as Newcastle disease, and avian influenza. The Act establishes a number of civil penalties imposed on persons who own poultry, operate establishments, or participate in activities if there is a threat that the pathogen may spread. It also provides that the Department of Agriculture and Land Stewardship or a local law enforcement officer may confiscate and destroy poultry as part of an enforcement action.
- HOUSE FILE 2493** - Unused Property Markets — Regulation of Sales
SEE CRIMINAL LAW, PROCEDURE & CORRECTIONS. This Act regulates sales activities at unused property market events, commonly referred to as flea markets and swap meets, and specifically prohibits the sale of baby food, infant formula, cosmetics or personal care products, or any nonprescription drug or medical device at such events, except by an authorized representative of the manufacturer or distributor of such product.
- HOUSE FILE 2523** - Regulation of Air Quality — VETOED BY THE GOVERNOR
SEE ENVIRONMENTAL PROTECTION. This bill would have amended provisions in Code Chapters 455B and 459, regulating air quality. Code Chapter 455B, Division II, provides general air quality regulatory authority to the Department of Natural Resources, and Code Chapter 459 specifically regulates animal feeding operations and especially confinement feeding operations.
- HOUSE FILE 2549** - Waste Tire Management Fund Appropriations
SEE ENVIRONMENTAL PROTECTION. This Act appropriates moneys in the Waste Tire Management Fund.
- HOUSE FILE 2560** - Fire Protection and Emergency Medical Service
SEE LOCAL GOVERNMENT. This Act makes changes to the law relating to fire protection service by cities, counties, townships, and benefited fire districts.
- HOUSE FILE 2567** - Transportation and Disposal of Dead Animals
SEE AGRICULTURE. This Act provides for the transportation and rendering of animal carcasses by persons licensed by the Department of Agriculture and Land Stewardship and provides for related fees.
- HOUSE FILE 2568** - Health Insurance — Miscellaneous Changes
SEE BUSINESS, BANKING & INSURANCE. This Act contains provisions related to issues considered by the Individual Health Insurance Task Force. The provisions relate to individual health insurance market reforms under Code Chapter 513C and the Iowa Comprehensive Health Insurance Association governed under Code Chapter 514E, and address program eligibility, benefit design, rate structures, program administration, and funding of assessments.
- HOUSE FILE 2577** - Healthy Iowans Tobacco Trust and Tobacco Settlement Trust Fund — Appropriations — Miscellaneous Provisions
SEE APPROPRIATIONS. This Act relates to and makes appropriations from the Healthy Iowans Tobacco Trust.

HEALTH AND SAFETY

SENATE FILE 2153 - Public Health Emergencies or Disasters — Financial Assistance

BY COMMITTEE ON APPROPRIATIONS. This Act delegates authority to the Iowa Department of Public Health, in conjunction with the Governor, to provide financial assistance to local governments in the event of a public health emergency or disaster. This assistance is to come from funds not otherwise encumbered, that are appropriated to the department. In the event the department does not have sufficient unencumbered funds, the Governor may request additional funds from the Executive Council, up to \$1 million. Any additional assistance would also require approval by the Legislative Council.

SENATE FILE 2190 - Long-Term Care System Development — VETOED BY THE GOVERNOR

BY COMMITTEE ON HUMAN RESOURCES. This bill related to the development of the long-term care system in Iowa. The bill would have provided a goal and benchmarks for the system and would have established a task force to establish priorities and strategies and to make recommendations.

SENATE FILE 2209 - Immunizations — Mercury Content — Reimbursement

BY COMMITTEE ON HUMAN RESOURCES. This Act prohibits early childhood immunizations administered in Iowa, beginning January 1, 2006, from containing more than trace amounts of mercury. The Act defines “trace amounts” as trace amounts as defined by the U.S. Food and Drug Administration, and defines “early childhood immunizations” as immunizations administered to children under eight years of age. However, the prohibition does not apply to early childhood immunizations for influenza or in times of emergency or epidemic as determined by the Director of Public Health. A violation is a simple misdemeanor. The Act also requires third-party payment provider contracts or policies delivered, issued for delivery, continued, or renewed in Iowa on or after January 1, 2006, to provide reimbursement for immunizations containing no more than trace amounts of mercury at the acquisition cost rate.

HOUSE FILE 2042 - Blood Donations by Sixteen-Year-Old Persons

BY WHITAKER, HUTTER, GRANZOW, GASKILL, RAYHONS, HOGG, CONNORS, SMITH, GREIMANN, FREVERT, STRUYK, MERTZ, DAVITT, BOGGESS, LUKAN, REASONER, MURPHY, OSTERHAUS, AND SHOULTZ. This Act allows a person who is 16 years of age to donate blood in a voluntary and noncompensatory blood program if the person obtains written permission from the person’s parent or guardian. Under existing law, a person who is 17 years of age or older may make such a donation without the permission of a parent or guardian.

HOUSE FILE 2187 - Registered Dental Assistants — Examination Elimination — VETOED BY THE GOVERNOR

BY COMMITTEE ON HUMAN RESOURCES. This bill would have provided for the elimination of an examination requirement as a prerequisite for being designated a registered dental assistant. The bill provided that in lieu of the examination requirement, a candidate for registration would obtain a certification of competency from a supervising dentist. Standards for certification of the candidate’s competency would be determined by the Board of Dental Examiners by rule, and would include areas regarding infection control, hazardous materials, and jurisprudence.

HOUSE FILE 2200 - Arson and Fire Safety Regulation

BY COMMITTEE ON PUBLIC SAFETY. This Act establishes a program for the certification of fire extinguishing system contractors doing business in this state, and relates to the promulgation of administrative rules by the State Fire Marshal and to the criminal offenses of arson and use of simulated explosives.

The Act requires all contractors who engage in or represent to the public as engaging in the business of layout, installation, repair, addition, maintenance, or maintenance inspection of automatic fire extinguishing systems to be certified by the State Fire Marshal. This Act defines “automatic fire extinguishing systems” and requires contractors requesting certification to provide information regarding their business and proof of liability insurance coverage. The contractor must also designate a responsible managing employee who must have certain qualifications in fire protection technology or be otherwise qualified.

The Act provides for revocation criteria, applicability to local or other state powers regarding fire extinguishing contractors, the administration of Code Chapter 100C by the State Fire Marshal, and penalties for violations. This Act directs that all fees and penalties collected under the chapter are to be deposited in the General Fund of the State and appropriates those funds to the office of the State Fire Marshal for administration of the chapter.

The Act establishes a Fire Extinguishing System Contractors Advisory Board within the Division of Fire Protection for the purpose of advising the State Fire Marshal on the administration of the program.

The Act provides that State Fire Marshal administrative rules promulgated pursuant to Code Chapter 101, Flammable Liquids and Liquefied Petroleum Gases, may only be promulgated after notice of any hearing related to these rules is

published in the Iowa Administrative Bulletin. Current law requires the notice of the hearing to be published in a newspaper of general circulation throughout the state prior to the rules becoming effective.

The Act also amends the definition of the criminal offense of arson. The Act provides that a person who manufactures or attempts to manufacture a controlled substance in violation of Code Section 124.401, which then results in a fire or an explosion that damages or destroys property, commits arson. Arson is punishable as a class "B", class "C", or aggravated misdemeanor depending on the facts of the case.

The Act creates a criminal offense related to the placement of a simulated explosive or a simulated incendiary device. The Act provides that a person, with the intent to intimidate or annoy, who places a simulated explosive or simulated incendiary device in or near an occupied structure, as defined in Code Section 702.12, commits a serious misdemeanor.

HOUSE FILE 2343 - First Responder Vaccination Program

BY COMMITTEE ON PUBLIC SAFETY. This Act provides for the establishment of a vaccination program for first responders. The Act provides that if federal funds or grants to administer the program are received by the Iowa Department of Public Health (IDPH), the department shall offer a vaccination program for first responders who may be exposed to infectious diseases when deployed to disaster locations. For the purposes of the vaccination program, a "first responder" is defined as including state and local law enforcement personnel, fire department personnel, and emergency medical personnel who will be deployed to sites of bioterrorism attacks, terrorist attacks, catastrophic or natural disasters, and emergencies. Vaccinations to be administered under the program include, but are not limited to, hepatitis B, diphtheria-tetanus, influenza, and other vaccinations recommended by the U.S. Public Health Service and in accordance with Federal Emergency Management Agency policy.

The program is voluntary, except that first responders who are classified as having occupational exposure to blood-borne pathogens as defined in federal regulations shall be required to receive the designated vaccinations, unless exempt. A first responder shall be exempt when a written statement from a licensed physician is presented indicating that a vaccine is medically contraindicated for that person or the first responder signs a written statement that the administration of a vaccination conflicts with religious tenets.

The Act requires IDPH to establish first responder notification procedures regarding the existence of the program by rule, and to develop and distribute educational materials on methods of preventing exposure to infectious diseases. The Act authorizes IDPH to contract with county and local health departments, not-for-profit home health care agencies, hospitals, physicians, and military unit clinics in administering the program.

The Act takes effect March 18, 2004.

HOUSE FILE 2358 - Practice of Cosmetology — Miscellaneous Changes

BY COMMITTEE ON HUMAN RESOURCES. This Act makes technical and substantive changes relating to the practice of cosmetology.

The Act provides new or revised definitions for several terms utilized in Code Chapter 157, Cosmetology, and prohibits persons licensed under that chapter from administering any practice of removing the skin by means of a razor-edged instrument or administering any procedure in which human tissue is cut, shaped, vaporized, or otherwise structurally altered, other than hair removal, manicuring, and nail technology services.

The Act provides that in addition to existing requirements for licensure, specified licensees are required to submit a written application and proof of additional training and certification for approval by the Board of Cosmetology Arts and Sciences Examiners to administer designated services. For a licensed esthetician, the designated services requiring approval include use of a certified laser product or microdermabrasion which is utilized for the purpose of exfoliating the skin, application of permanent makeup or cosmetic micropigmentation, and the administration of chemical peels. For a licensed cosmetologist, the designated services requiring approval include use of chemical peels, a certified laser product, or microdermabrasion utilized for the purpose of exfoliating the skin. The Act prohibits a cosmetologist licensed after July 1, 2005, from using chemical peels, microdermabrasion procedures, or certified laser products. For a licensed electrologist, the designated services requiring approval include use of a certified laser product for the purpose of hair removal.

The Act provides that any additional training received by a licensed esthetician, cosmetologist or electrologist and submitted to the board relating to utilization of a certified laser product shall include a safety training component; that it is unlawful for a person to employ a licensed cosmetologist, esthetician or electrologist who has not received this additional training prior to performance of the specified services; and that a violation of these provisions subjects the violator to specified penalty provisions.

Additionally, the Act requires that a licensed cosmetologist, esthetician or electrologist who provides services relating to the use of a certified laser product, chemical peel, or microdermabrasion obtain a consent in writing prior to the administration of the services and submit a report to the Board of Cosmetology Arts and Sciences Examiners within 30 days of any incident that results in physical injury requiring medical attention. Failure to comply results in disciplinary action being taken by the board.

The Act provides that an annual inspection of each school of cosmetology arts and sciences, including the educational activities of each school, may be conducted and completed by either the board or a designee of the board prior to renewal of the license. The Act prohibits the use of laser hair removal products or devices on a minor, unless the minor is accompanied by a parent or guardian and only under the general supervision of a physician.

The Act further provides that if the board has reasonable grounds to believe that a person or establishment which is not licensed under Code Chapter 157 has engaged, or is about to engage, in an act or practice which requires such licensure, or otherwise violates a provision of the chapter, the board may issue an order requiring compliance, and may impose a civil penalty not to exceed \$1,000 per violation, with each day of continued violation constituting a separate offense, up to a maximum penalty of \$10,000.

HOUSE FILE 2362 - Birth Defects Institute — Renamed — Duties

BY COMMITTEE ON HUMAN RESOURCES. This Act requires the Iowa Department of Public Health to establish a stillbirths protocol work group to study and develop prevention strategies to reduce stillbirths and other congenital or inherited disorders which cause the death and disability of newborns in this state.

The Act renames the Birth Defects Institute, the Center for Congenital and Inherited Disorders. The Act enacts Code Chapter 136E, which incorporates the majority of the provisions of Code Chapter 136A, Birth Defects Institute, which is repealed, and expands the duties of the institute to include the study of the causes and prevention of all congenital and inherited disorders, including stillbirths. The Act continues the central registry, statewide health care programs, and education of the public and medical and scientific communities. The Act provides for the screening of all newborns born in this state for congenital and inherited disorders, but allows parents to choose not to have their newborn screened. The Act also provides for the confidentiality of all identifying information collected and maintained and requires the center to adopt administrative rules.

HOUSE FILE 2447 - Elevators, Boilers, and Pressure Vessels — Regulation and Safety

BY COMMITTEE ON COMMERCE, REGULATION AND LABOR. This Act rewrites the Code chapters regulating boilers and unfired steam pressure vessels and elevators, Code Chapters 89 and 89A, to establish a Boiler and Pressure Vessel Board and an Elevator Safety Board within the Labor Services Division of the Department of Workforce Development. Each board is given rulemaking authority, including the authority to hear and decide contested cases. The Act strikes the Labor Commissioner's rulemaking authority in these areas, except with regard to requirements for special inspectors.

The Act establishes within the State Treasury, under the control of the Labor Commissioner, a Boiler and Pressure Vessel Safety Revolving Fund and an Elevator Safety Fund. Fees collected by the commissioner must be deposited in the funds. Moneys in the fund are appropriated and shall be used by the commissioner to pay the actual costs and expenses necessary to operate the boards and administer the provisions of the chapters. Moneys in the funds are exempt from the Code provision requiring moneys to be deposited in the General Fund of the State at the end of the fiscal year. The Code sections establishing the funds are repealed effective July 1, 2012.

The nine-member boards are authorized to formulate definitions and rules requirements for the safe and proper installation, repair, maintenance, alteration, use, and operation of equipment regulated under the appropriate chapters, and to establish fees for the examinations, commissions, inspections, annual statements, shop inspections, permits, licenses, and other services. The Act requires both boards to conduct, not later than July 1, 2005, and every three years thereafter, a comprehensive review of existing boiler rules, regulations and standards.

Under the Act, inspection reports that require modification, alteration or change of a boiler or unfired steam pressure vessel must be in writing and cite the state law or rule, or the code section of the American Society of Mechanical Engineers' (ASME) Boiler and Pressure Vessel Code, allegedly violated.

Rules adopted by the Boiler and Pressure Vessel Board must be in accordance with accepted engineering standards and practices and the ASME code, which may include addenda, interpretations, and code cases, as soon as reasonably practical following publication by ASME.

The Act eliminates provisions that permit appeals under Code Chapters 89 and 89A to be conducted by the Employment Appeal Board. Board action by either board constitutes final agency action. The Act makes numerous conforming amendments throughout the Code.

The Act temporarily inactivates any provision of law to the contrary to direct revenues from fees imposed, collected or accrued during FY 2004-2005, to be deposited in the General Fund of the State. The Act states the intent of the General Assembly that the moneys appropriated from the General Fund of the State to the Division of Labor Services for FY 2004-2005 be reduced by the total amount of revenues projected to be deposited in the funds created by the Act in FY 2004-2005.

The Act takes effect April 26, 2004.

HOUSE FILE 2464 - Automated External Defibrillator Grant Program

BY COMMITTEE ON HUMAN RESOURCES. This Act directs the Iowa Department of Public Health to establish an Automated External Defibrillator Grant Program to assist in the distribution of automated external defibrillator equipment and training regarding equipment utilization. The program's stated objective is to enhance the emergency response system in rural areas of the state, where access to health care providers is often limited, by providing increased access to automated external defibrillator equipment by rural emergency and community personnel.

The Act provides that a local board of health, community organization, or city may submit an application to the department for review, which shall be subject to eligibility and approval criteria established by rule by the department. The amount of a grant shall not exceed 50 percent of the costs of the automated external defibrillator equipment to be distributed and the training program to be administered at the local level. Each application must include information demonstrating that the applicant will provide matching funds of 50 percent of the program's cost. The Act requires grant recipients to submit an annual report to the department providing specified information.

The Act contains a contingent effective date, becoming effective upon receipt by the department of federal or state funding to establish the program.

HOUSE FILE 2496 - Physical Therapy — Use of Professional Titles and Other Designations

BY COMMITTEE ON STATE GOVERNMENT. This Act prohibits the use of certain titles relating to physical therapy which indicate or imply that physical therapy services are provided or supplied, unless the services are provided by or under the direction and supervision of a physical therapist licensed pursuant to Code Chapter 148A, which regulates the practice of physical therapy. Violation for false use of a physical therapy title is a serious misdemeanor and may result in the revocation or suspension of a license to practice. The Act provides that the term "physiotherapy" may be used by a provider, or an individual acting under the direction of a provider, licensed under Code Chapter 148A or Code Chapter 151, which regulates the practice of chiropractic.

HOUSE FILE 2506 - Electronic and Facsimile Prescriptions

BY COMMITTEE ON HUMAN RESOURCES. This Act provides for the electronic and facsimile transmission of prescriptions.

Under the Controlled Substances chapter of the Code, the Act provides that a Schedule II controlled substance may be dispensed based on an electronic or facsimile prescription if the prescription complies with the requirements for such a prescription established under the Act and if the original signed prescription is presented to the pharmacist prior to the dispensing of the controlled substance. The Act provides that if permitted by federal law, and in accordance with federal requirements, the electronic or facsimile prescription shall serve as the original signed prescription.

Additionally, the Act provides that a Schedule III, IV or V controlled substance may be dispensed based on an electronic prescription or a facsimile prescription, provided that the prescription complies with requirements established for such prescriptions under the Act and, the original signed prescription is presented to the pharmacist prior to the dispensing of the controlled substance, or if the prescription is electronic, an oral prescription, or a facsimile prescription is provided. The Act provides that if permitted by federal law, and in accordance with federal requirements, the electronic or facsimile prescription shall serve as the original signed prescription.

The Act provides for the use of electronic or facsimile prescriptions under the Drugs, Devices, and Cosmetics Code chapter and under the drug dispensing, supplying, and prescribing provisions of the Health-Related Professions chapter of the Code, and provides for the use of electronic and facsimile prescriptions related to contact lenses and ophthalmic spectacle lenses. The Act also establishes requirements for the inclusion of certain information in an electronic or facsimile transmission under the Pharmacy chapter. The Act makes existing penalties currently applicable to the forgery, alteration or falsifying of other types of prescriptions under Code Section 155A.24, applicable to electronic and facsimile prescriptions.

HOUSE FILE 2514 - Dementia-Specific Alternative Living — VETOED BY THE GOVERNOR

BY COMMITTEE ON HUMAN RESOURCES. This bill related to the implementation of a pilot project for dementia-specific alternative living.

HOUSE FILE 2551 - Public Health Programs and Regulation — Miscellaneous Changes

BY COMMITTEE ON WAYS AND MEANS. This Act provides for various changes in connection with programs under the authority of the Iowa Department of Public Health (IDPH).

The Act provides for the transfer of administration of an annual grant program relating to private water supply wells from the Department of Natural Resources to IDPH. The Act also requires IDPH to maintain a listing of lead abater and lead inspector training programs, and specifies requirements relating to training program content and delivery. The Act authorizes IDPH to establish and collect a fee relating to transporting radioactive material, provided that the fee is utilized for a purpose relating to such transportation. The Act additionally provides that an applicant for a license as an audiologist may hold, as an alternative to a master's degree or its equivalent with a major in audiology, a doctoral degree in audiology or its equivalent, from an accredited educational institution which incorporates the academic coursework and minimum hours of supervised training as provided by rule.

The Act deletes provisions which had permitted the boards of Medical Examiners and Dental Examiners to cancel a temporary certificate to practice or a temporary permit without due process, and provides that the occupational therapy and occupational therapist examination may be taken either in electronic or written form without any limitation regarding frequency of examination administration. The Act additionally provides for a definition of "electronic signature" for purposes of the electronic transmission of prescription drug orders. Further, the Act deletes a requirement that results of an investigation of an employee of the Board of Pharmacy Examiners be forwarded to the complainant.

HOUSE FILE 2555 - Public Health Programs and Regulation — Additional Provisions

BY COMMITTEE ON APPROPRIATIONS. This Act provides for a number of technical and substantive changes regarding programs under the purview of the Iowa Department of Public Health.

The Act establishes a Gifts and Grants Fund, and authorizes the department to accept gifts, grants, or allotments of funds from any source to be used for programs the department is authorized to administer. Moneys in the fund are appropriated to the department for purposes specified in the gift or grant, are not subject to appropriation or expenditure for any other purpose, and are not to revert to the General Fund of the State.

The Act changes funding provisions concerning the Childhood Lead Poisoning Prevention Grant Program by specifying that a 3-to-1 state-local funding match applies to all federal, state and other funds received by the department for the program, that the department may also use the funds for the program to purchase environmental and blood testing from a public health laboratory, and that a public health laboratory shall not be required to designate matching funds.

The Act requires the department to establish programs and adopt rules relating to standards for radon abatement systems, and allows inspections and testing of premises required as a spot-check of radon contamination to be performed either by the department or its duly authorized agents.

The Act provides for changes relating to the definition of "quarantine," deletes outdated language relating to a physician assistant rules review group, deletes outdated language regarding specification of a supervising physician by the Board of Medical Examiners, clarifies that the practice of nursing includes execution of a regimen prescribed by a nurse practitioner or physician assistant, and expands the amount of postgraduate training required for international medical graduates from one year to two years beginning July 1, 2006. The Act additionally provides for terminology changes regarding engaging in business as a hearing aid dispenser, and extends from six months to one year the duration during which it is permissible for a provisional nursing home administrator to operate prior to obtaining licensure.

The Act authorizes the Board of Mortuary Science Examiners to impose civil penalties upon a finding of unlicensed practice, and includes other provisions related to board authority to act in unlicensed practice situations. Additionally, the Act provides for additional categories of expenses which may be recouped by specified licensing boards for conducting disciplinary hearings.

HUMAN SERVICES

- HOUSE FILE 2134** - Medical Assistance and State Supplementary Assistance Programs — Miscellaneous Changes
- HOUSE FILE 2378** - Medical Assistance Trusts — Payment Rates
- HOUSE FILE 2390** - Human Services — Miscellaneous Changes
- HOUSE FILE 2441** - Spanish Language Interpreter Qualifications

RELATED LEGISLATION

- SENATE FILE 2167** - Descent and Distribution of Property — Disclaimers of Powers, Rights, or Interests in Property and Medical Assistance Benefits Recovery
SEE CIVIL LAW, PROCEDURE & COURT ADMINISTRATION. This Act relates to the Iowa Probate Code, including provisions relating to estate recovery of medical assistance benefits, the power to disclaim property interests, and trusts. Changes made in the area of human services allow the Department of Human Services to obtain funds in satisfaction of a decedent's medical assistance debts when no successor affidavit has been presented to the court in which the decedent's estate is being administered.
- SENATE FILE 2183** - Long-Term Care Asset Disregard Incentive Program — VETOED BY THE GOVERNOR
SEE BUSINESS, BANKING & INSURANCE. This bill would have established an Iowa Long-Term Care Asset Disregard Incentive Program administered by the Department of Human Services and the Insurance Division of the Department of Commerce.
- SENATE FILE 2193** - Sexually Violent Offenses — Insanity of Defendant — Civil Commitment
SEE CIVIL LAW, PROCEDURE & COURT ADMINISTRATION. This Act provides that if a sexually violent predator petition is filed, and the person was previously found not guilty by reason of insanity for a sexually violent criminal offense, the court shall determine whether the elements of the sexually violent criminal offense were proven as a matter of law; if so proven, no further fact-finding is required in the civil commitment proceeding.
- SENATE FILE 2272** - Confinement of Dangerous or Mentally Incompetent Persons
SEE CRIMINAL LAW, PROCEDURE & CORRECTIONS. This Act relates to detaining criminal defendants who are mentally incompetent or who are dangerous to others or property. The Act provides that if a criminal defendant is incompetent to stand trial and does not pose a danger to the public peace and safety, the person shall be placed in a facility operated by the Department of Human Services for treatment.
- SENATE FILE 2288** - Federal Block Grant Appropriations
SEE APPROPRIATIONS. This Act appropriates federal block grant and other nonstate moneys to state agencies for the federal fiscal year beginning October 1, 2004, and ending September 30, 2005. The Act includes funding for maternal and child health, preventive health and health services, substance abuse programs, low-income energy assistance, mental health, child care, social services, and other health and human services-related programs.
- SENATE FILE 2298** - Government Funding, Administration, and Regulation — Appropriations and Miscellaneous Changes
SEE APPROPRIATIONS. Divisions V and VI of this Act make appropriations for health and human services and provide numerous related provisions.

Division VII distributes and appropriates state funding for MH/MR/DD/BI services provided by counties for FY 2004-2005 and FY 2005-2006.

Division X increases the voting membership of the Iowa Empowerment Board by the addition of the Director of the Department of Economic Development, and provides that the requirement that health care facilities assist in identifying residents who are eligible for benefits from the federal Department of Veterans Affairs does not apply to individuals admitted to the Iowa Veterans Home.

- HOUSE FILE 250** - Assaults on Board of Parole Members or Employees and Department of Human Services Employees
SEE CRIMINAL LAW, PROCEDURE & CORRECTIONS. This Act increases certain criminal penalties for assaulting an employee of the Department of Human Services.
- HOUSE FILE 2039** - State Budget Adjustments — Cash Reserve and Senior Living Trust Funds
SEE APPROPRIATIONS. This Act provides for a transfer from the Cash Reserve Fund to the General Fund of the State for FY 2002-2003 and includes a new standing appropriation of a portion of a surplus in the ending balance of the General Fund of the State to repay moneys appropriated from the Senior Living Trust Fund.
- HOUSE FILE 2146** - Sex Offender Registration Requirements — Incest Committed Against Dependent Adult
SEE CRIMINAL LAW, PROCEDURE & COURT ADMINISTRATION. This Act requires a person convicted of incest against a dependent adult to register as a sex offender.
- HOUSE FILE 2327** - Child Abuse Assessment and Training
SEE CHILDREN & YOUTH. This Act relates to child abuse assessment requirements involving notification of parents, interviews of persons alleged to have committed child abuse, and the training of child protection workers employed by the Department of Human Services.
- HOUSE FILE 2328** - Disclosure of Department of Human Services Records and Information
SEE CHILDREN & YOUTH. This Act relates to Department of Human Services (DHS) child protection confidentiality requirements involving cases of child fatality or near fatality. The Act amends statutory restrictions involving confidentiality of DHS records to allow an exception for disclosure of information for certain cases of child abuse involving a child fatality or near fatality. The information subject to disclosure includes names and addresses of individuals receiving services or assistance from DHS, the types of services or amounts of assistance provided, information concerning the social or economic conditions or circumstances of particular individuals who are receiving or have received services or assistance from DHS, and agency evaluations of information about a particular individual.
- HOUSE FILE 2350** - Family Investment Program Eligibility Requirements
SEE CHILDREN & YOUTH. This Act relates to Family Investment Program (FIP) eligibility requirements involving motor vehicle equity and required school attendance, and addresses FIP agreements.
- HOUSE FILE 2462** - Child Welfare Pilot Projects
SEE CHILDREN & YOUTH. This Act requires the Department of Human Services to implement two types of child welfare pilot projects.
- HOUSE FILE 2481** - Child in Need of Assistance Dispositional Orders
SEE CHILDREN & YOUTH. This Act expands the circumstances by which, and the grounds upon which, the juvenile court may modify, vacate and substitute, or terminate a child in need of assistance dispositional order.
- HOUSE FILE 2528** - Modification of Child Custody Orders — Entry of Juvenile Court Dispositional Order
SEE CIVIL LAW, PROCEDURE & COURT ADMINISTRATION. This Act allows the district court to consider a juvenile court custody order entered pursuant to Code Chapter 232 when modifying custody or support orders made pursuant to Code Chapter 598.
- HOUSE FILE 2537** - Mental Illness, Mental Retardation, Developmental Disability, and Brain Injury Services and Support
SEE LOCAL GOVERNMENT. This Act addresses redesign of the system for services and other support provided for persons with mental illness, mental retardation or other developmental disabilities, or brain injury (MI/MR/DD/BI) and includes numerous requirements involving the Department of Human Services and the MI/MR/DD/BI Commission.
- HOUSE FILE 2577** - Healthy Iowans Tobacco Trust and Tobacco Settlement Trust Fund — Appropriations — Miscellaneous Provisions
SEE APPROPRIATIONS. This Act relates to and makes appropriations from the Healthy Iowans Tobacco Trust.

HUMAN SERVICES

HOUSE FILE 2134 - Medical Assistance and State Supplementary Assistance Programs — Miscellaneous Changes

BY COMMITTEE ON HUMAN RESOURCES. This Act makes changes relative to the Medical Assistance (Medicaid) and State Supplementary Assistance Programs.

The Act changes the definition of “residential care facility” for the purposes of providing Medicaid home and community-based waiver services in these facilities. The Act allows counties to request an expansion of the county’s waiver payment slots under the Medicaid Program to address the changes in the definition in the Act. Any expansion in the number of slots is to be implemented on July 1, 2004, or the date authorized by federal approval, whichever is later.

The Act expands the assessment of a fee on intermediate care facilities for persons with mental retardation to include those operated by the state and provides for the transfer of funds from the Medicaid Program appropriation to cover payment of the amounts attributable to the assessment that would otherwise be a county liability. These provisions are retroactively applicable to October 1, 2003. The Act amends the eligibility provisions for state supplementary assistance to cover additional persons. This provision is retroactively applicable to October 1, 2003.

The Act also provides that the nursing facility quality assurance assessment fee is retroactively applicable to October 1, 2003.

The Act takes effect April 16, 2004.

HOUSE FILE 2378 - Medical Assistance Trusts — Payment Rates

BY COMMITTEE ON HUMAN RESOURCES. This Act relates to the income limits for medical assistance income trusts, also known as Miller Trusts. In order to qualify for payment of nursing facility care under the Medical Assistance (Medicaid) Program, a person must have income that is less than three times the federal Supplemental Security Income Program’s benefit level. Many individuals have too much income to qualify for Medicaid payment of facility care, but have too little income to pay for the care. Federal law requires states to cover nursing facility care for individuals with income over the income limit by allowing for the establishment of a specific type of trust (medical assistance income trust in Iowa) to allow for the diversion of income. Because monthly income paid into the trust is not counted in determining the individual’s income, the individual can then meet Medicaid Program eligibility requirements.

Medical assistance income trusts have requirements as to the disposition of payments made from the trust. In determining the disposition of payments from the trust, the average statewide charge for certain types of care is utilized. Under current law, the levels of care referenced do not reflect recent changes made in the Medicaid reimbursement system. Under this Act, the levels of care are changed to reflect the current reimbursement system and to allow higher rates for special types of care to be taken into consideration in determining disposition of payments from the trust. The Act eliminates two levels of care related to skilled nursing facility care and provides for a determination of the charge for care or specialized care provided in a nursing facility. Specialized care includes such care as Alzheimer’s care received by an adult, skilled nursing facility care received by a child, or skilled nursing facility care for neurological disorders received by a child or an adult.

HOUSE FILE 2390 - Human Services — Miscellaneous Changes

BY COMMITTEE ON HUMAN RESOURCES. This Act makes changes to programs and services under the purview of the Department of Human Services (DHS), including the Family Support Subsidy Program, DHS service areas, foster care placements and other child welfare requirements, child support, and dependent adult abuse.

The Act makes changes throughout the Code to incorporate the restructuring made by DHS several years ago to its field services organizational structure from departmental regions to service areas. Other provisions annually addressed in the department’s appropriations Act are codified, including the elimination of an annual reporting requirement for the Family Support Subsidy Program, suspension of an annual training requirement for a foster parent engaged in active duty military service, and language regarding the cap on group foster care placements included in order to address an Iowa Supreme Court decision regarding the constitutionality of the cap. The group foster care language clarifies the role of juvenile court services in implementing budget targets in service areas and requires budgeting for the costs anticipated for a child’s foster care stay.

The Act deletes the requirement that the Dependent Abuse Advisory Council advise the Administrator of the DHS Division of Child and Family Services, and provides instead that in addition to the Director of Human Services, the council is to advise the directors of the departments of Elder Affairs, Inspections and Appeals, Public Health, Corrections, and Human Rights regarding dependent adult abuse.

The Act eliminates a requirement involving out-of-home placements of children adjudicated as delinquent or a child in need of assistance. The eliminated provision required DHS or the agency making the placement to make every reasonable effort to place the child within the state. For child in need of assistance placements, the Act authorizes DHS or the agency with custody to allow visitation by the child's grandparent, greatgrandparent, or other adult relative, unless prohibited by the court order or DHS or the agency finds the visitation is not in the best interest of the child.

The Act provides that only social workers and certified psychologists who, in the course of their employment, examine, attend, counsel, or treat a dependent adult are required to report suspected dependent adult abuse. Prior law required all social workers and certified psychologists to report suspected dependent adult abuse. The Act also adds to the list of those who, in the course of their employment, examine, attend, counsel, or treat a dependent adult, must report suspected dependent adult abuse, the members of the staff or employees of elder group homes, assisted living programs, or adult day services programs.

The Act also provides that if a staff member or employee is required to report suspected dependent adult abuse, the person is to immediately notify DHS and the person in charge or the person's designated agent. Prior law provided that the staff member or employee was to immediately notify the person in charge or the person's designated agent and that person was to make the report to DHS by the end of the next business day.

The Act also provides that an employee of a financial institution may report suspected financial exploitation of a dependent adult to DHS.

The Act provides that the Child Support Recovery Unit (CSRU) is not prohibited from exchanging any information, notice, document, or certification with any government or private entity through mutually agreed upon electronic transfer. The Act provides that a parent requesting a review and adjustment or a modification of a child support order will receive the initial notice that the process has begun by regular mail rather than choosing between personal service or regular mail.

With regard to child support licensing sanctions, the Act deletes the requirement that CSRU issue a copy of a withdrawal of a certificate of noncompliance to the appropriate licensing authority as well as to the obligor when the obligor for whom CSRU has issued a certificate of noncompliance enters into a written agreement for payment of support and compliance. The written decision of CSRU, following the noncompliance of an obligor and the request of the obligor for a conference, is to state that the actual certificate of noncompliance or withdrawal of the certificate of noncompliance, not a copy of these, has been provided to the named licensing authority. The Act also eliminates the requirement that CSRU include a copy of the certificate of noncompliance of an obligor with the written certification to the licensing authority of the obligor's noncompliance in cases in which the obligor does not respond to a notice of potential license sanction or the unit enters a written decision stating that the obligor is not in compliance.

The Act amends provisions of H.F. 2328 (see Children & Youth) regarding public disclosure of DHS actions relating to a case of child abuse involving a child fatality or near fatality.

The Act requires DHS to revise the standards for child development home provider qualifications for category "C" (of the three child care home registration categories, category "C" is subject to the most stringent requirements). The revision applies when more than one provider is required to be present due to the number of children, so that one of the providers present must meet the provider qualifications for category "C," but other providers required to be present are allowed to meet the provider qualifications for either category "B" or "C." Until the revision is implemented, a provider may request that DHS allow the provider to operate under the revision as an exception to policy.

HOUSE FILE 2441 - Spanish Language Interpreter Qualifications

BY COMMITTEE ON JUDICIARY. This Act requires the Commission of Latino Affairs to adopt rules pursuant to Code Chapter 17A, with the benefit of input from stakeholders, to develop a mechanism to ensure Spanish language interpreter qualifications. The commission has previously been required simply to maintain information on Spanish interpreter qualifications as one of its statutory duties. The Code directs the commission to provide a list of qualified Spanish language interpreters to specified state agencies and entities, which the Act expands to include social service agencies and health agencies.

LABOR AND EMPLOYMENT

SENATE FILE 2173 - Private Sector Employee Drug Testing

RELATED LEGISLATION

SENATE FILE 2298 - Government Funding, Administration, and Regulation — Appropriations and Miscellaneous Changes
SEE APPROPRIATIONS. Division III of this Act appropriates moneys to the Department of Workforce Development and includes a provision relating to the Unemployment Compensation Program.

Division IX requires the Attorney General to be reimbursed up to \$50,000 from the Second Injury Fund for providing services related to the fund.

SENATE FILE 2311 - Workforce and Economic Development Appropriations and Related Changes — EXTRAORDINARY SESSION
SEE APPROPRIATIONS. Division II of this Act appropriates from the State General Fund for FY 2004-2005 through FY 2006-2007 to the Department of Workforce Development for field offices which were to be funded by the extension of the administrative contribution surcharge. This extension was ruled invalid. The Act takes effect September 7, 2004.

HOUSE FILE 2581 - Miscellaneous Economic Development, Taxation, Regulatory, and Employment-Related Changes — EXTRAORDINARY SESSION
SEE ECONOMIC DEVELOPMENT. Division IV of the Act relates to certain benefits and procedures related to workers' compensation and Division VII of the Act relates to the repeal of the Administrative Contribution Surcharge. The Act takes effect September 7, 2004.

LABOR AND EMPLOYMENT

SENATE FILE 2173 - Private Sector Employee Drug Testing

BY COMMITTEE ON BUSINESS AND LABOR RELATIONS. This Act concerns private sector drug testing, primarily relating to authorized testing samples, confirmed positive test result requirements, and oral fluid testing procedures.

The Act provides that acceptable samples for drug and alcohol testing are limited to urine, saliva, breath, and blood.

The Act adds a definition of a "confirmed positive test result" for nonalcohol drug testing to provide that the level of drugs necessary for a positive test result shall meet or exceed nationally accepted standards adopted by the federal Substance Abuse and Health Services Administration. If nationally accepted standards for oral fluid tests have not been adopted by the federal Substance Abuse and Health Services Administration, the standards for a positive test result shall be the same standard established by the federal Food and Drug Administration for the instrument used to measure the oral fluid sample.

The Act also establishes testing procedures for oral fluid testing. The Act provides that this testing shall be performed in the presence of the individual to be tested. In addition, the sample collected shall be of sufficient quantity to permit a second confirmatory test, but the requirement to initially split the sample, except for urine samples, is eliminated. Instead, the unused portion of any sample collected shall be stored for possible follow-up testing until the initial sample tests negative or for 45 days following an initial positive test result.

The Act takes effect April 16, 2004.

LOCAL GOVERNMENT

- SENATE FILE 2044 - Volunteer Emergency Services Provider Death Benefits — Heart Attacks or Strokes
- SENATE FILE 2270 - County Records
- SENATE FILE 2284 - Regional Transit Districts
- SENATE FILE 2289 - Records and Fees Administered by County Treasurer
- SENATE FILE 2291 - Development and Rehabilitation of Real Property — Local Government Activities
- HOUSE FILE 2145 - City Planning and Zoning Commission Membership
- HOUSE FILE 2340 - Local Government Elective Offices — Vacancy Due to Military Service
- HOUSE FILE 2381 - County Hospital Budget Certification
- HOUSE FILE 2404 - Alternative Forms of County and City Government
- HOUSE FILE 2471 - Detention of Out-of-State Prisoners
- HOUSE FILE 2537 - Mental Illness, Mental Retardation, Developmental Disability, and Brain Injury Services and Support
- HOUSE FILE 2544 - Real Estate Records and Transactions
- HOUSE FILE 2560 - Fire Protection and Emergency Medical Service
- HOUSE FILE 2569 - Scheduled Violations — County Enforcement Surcharge

RELATED LEGISLATION

- SENATE FILE 297 - Snowmobile and All-Terrain Vehicle Regulation
SEE NATURAL RESOURCES & OUTDOOR RECREATION. This Act contains provisions relating to the duties of county treasurers for the registration and titling of snowmobiles and all-terrain vehicles.
- SENATE FILE 371 - Recording of Documents or Instruments by County Recorder — Fees and Standards
SEE CIVIL LAW, PROCEDURE & COURT ADMINISTRATION. This Act specifies formatting standards for documents or instruments that are presented for recording by the county recorder.
- SENATE FILE 2187 - Municipal Utilities and Local Exchange Services
SEE ENERGY & PUBLIC UTILITIES. This Act requires a city that owns or operates a municipal utility to perform an annual audit, make certain accounting records available to the public, and allocate the cost of use of city resources used by a municipal utility providing telecommunications services. The Act makes the sale of communication services by a municipal utility subject to sales tax.
- SENATE FILE 2244 - Municipal Utilities and Telecommunications Services
SEE ENERGY & PUBLIC UTILITIES. This Act relates to the regulation of cities owning or operating municipal utilities that provide telecommunications services.
- SENATE FILE 2269 - Elections and Voter Registration
SEE ELECTIONS, ETHICS & CAMPAIGN FINANCE. This Act makes changes to the law relating to elections, absentee voting, and voter registration. The Act contains Code language changes which, unless otherwise noted, are necessary to comply with requirements of Pub. L. No. 107-252, the Help America Vote Act of 2002. The Act takes effect April 16, 2004, and applies to elections held on or after September 15, 2004.
- SENATE FILE 2279 - Satellite Absentee Voting Stations — Petition Requirements — VETOED BY THE GOVERNOR
SEE ELECTIONS, ETHICS & CAMPAIGN FINANCE. This bill would have made changes to the petition requirements for establishment of satellite absentee voting stations.
- SENATE FILE 2282 - Loess Hills Study
SEE NATURAL RESOURCES & OUTDOOR RECREATION. This Act requires the Loess Hills Development and Conservation Authority, in consultation with the State Advisory Board for

Preserves, to conduct a comprehensive study of the Loess Hills. However, the Act takes effect only upon receipt by the authority of federal, state or local funding for the study and a report.

SENATE FILE 2298

- Government Funding, Administration, and Regulation — Appropriations and Miscellaneous Changes

SEE APPROPRIATIONS. Divisions V and VI of this Act make appropriations for health and human services and provide numerous related provisions, including provisions affecting mental health and developmental disability services administered by counties.

Division VII distributes and appropriates state funding for MH/MR/DD/BI services provided by counties for FY 2004-2005 and FY 2005-2006.

Division X changes various property tax credit reimbursements from standing unlimited appropriations to specific dollar amounts for FY 2004-2005, requires a countywide vote on the issuance of revenue bonds or the sale of assets of an authority established by the county and its county seat, allows a chief of a volunteer fire district to also hold office as a member of the city council of a city of not more than 2,000 population, and allows all of the money, instead of just 20 percent, appropriated to the Local Government Innovation Fund to be used in the form of forgivable loans or grants.

Division XVI amends a newly enacted Code section to provide that the provision relating to public utilities facilities in a right-of-way does not interfere with a city's authority with regard to a franchise and the right-of-way.

Division XXII makes changes relating to Iowa individual income tax checkoffs. The division enacts the Volunteer Fire Fighter Preparedness Checkoff and Volunteer Fire Fighter Preparedness Fund. Moneys in the fund are appropriated to the Division of Fire Protection of the Department of Public Safety to be used to pay the costs of providing volunteer fire fighter training around the state and volunteer fire fighter training equipment.

Division XXIII repeals the section of 2003 Iowa Acts, Chapter 1, which created the Property Tax Implementation Committee.

HOUSE FILE 593

- Election Law Changes — VETOED BY THE GOVERNOR

SEE ELECTIONS, ETHICS & CAMPAIGN FINANCE. This bill would have made changes to the law relating to elections and voter registration.

HOUSE FILE 2149

- Venue for Trial of Simple Misdemeanors — Cities in Two or More Counties

SEE CRIMINAL LAW, PROCEDURE & CORRECTIONS. This Act relates to the prosecution of a simple misdemeanor committed in a city located in two or more counties.

HOUSE FILE 2180

- Appointment of County Attorney — Residency Requirement

SEE ELECTIONS, ETHICS & CAMPAIGN FINANCE. This Act relates to filling a vacant office of county attorney by appointment.

HOUSE FILE 2207

- Substantive Code Corrections

SEE STATE GOVERNMENT. This Act contains statutory corrections that adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities. Changes made include changes to provisions regarding the recording of the name of a farm, inspections of jails, local government reimbursement for prisoner expenses, annexation of territory by a city, city council elections, property tax assessment, public utilities, and area education association reorganizations. The changes made to a 2003 Act that related to area education reorganizations take effect April 26, 2004, and are retroactively applicable to July 1, 2003.

HOUSE FILE 2225

- Drainage and Levee Districts — County Authority

SEE AGRICULTURE. This Act authorizes a county board of supervisors to establish a drainage district with territory that includes only a city.

HOUSE FILE 2259

- Pseudoephedrine — Sale, Purchase or Theft — Penalties

SEE CRIMINAL LAW, PROCEDURE & CORRECTIONS. This Act prohibits a county or municipality from establishing a penalty which is higher or more stringent than state requirements

or penalties related to the sale of a product containing pseudoephedrine as the product's sole active ingredient.

- HOUSE FILE 2315** - Soil and Water Conservation Practices — Repairs and Improvements
SEE AGRICULTURE. This Act increases the amount that a governing board of a drainage district may obligate for improvements relating to repairs and weed control without providing notice and a hearing to affected landowners.
- HOUSE FILE 2352** - Illegal Dumping Enforcement Officers
SEE ENVIRONMENTAL PROTECTION. This Act relates to illegal dumping enforcement officers who are appointed by a county board of supervisors.
- HOUSE FILE 2357** - Invasive Aquatic Plants and Animals
SEE NATURAL RESOURCES & OUTDOOR RECREATION. This Act requires the Natural Resource Commission to prepare a long-term statewide aquatic invasive species water management plan before January 1, 2005, with containment strategies which include participation by lake associations, local citizen groups, and local units of government in the development of lake management plans where such species exist and notice to travelers of the penalties for violation of laws relating to such species.
- HOUSE FILE 2383** - Rural Improvement Zones — VETOED BY THE GOVERNOR
SEE ECONOMIC DEVELOPMENT. This bill would have eliminated language that limits rural improvement zones to counties with less than 18,500 population.
- HOUSE FILE 2392** - Conduct of Controlled Burns of Demolished Buildings by Cities
SEE ENVIRONMENTAL PROTECTION. This Act relates to controlled burns of demolished buildings conducted by certain cities.
- HOUSE FILE 2403** - Administration of Fairs — Allocation of Funds
SEE AGRICULTURE. This Act amends provisions in Code Chapter 174 regulating county and district fairs by changing terms and redefining what constitutes a fair, providing for state aid and its distribution, changing procedures for bonding, and eliminating a provision providing for the appointment of special police.
- HOUSE FILE 2433** - Issuance of Driver's Licenses and Nonoperator Cards — Fees Retained by Counties
SEE TRANSPORTATION. This Act increases the portion of the fee retained by county treasurers for the issuance of driver's licenses and nonoperator's identification cards from \$5 to \$7. The Act also requires the Auditor of State to conduct a periodic study of state and county issuance costs to provide the basis for any fee adjustment considered by the General Assembly.
- HOUSE FILE 2450** - Real Property — Conveyances and Other Transfers — Marketable Record Title
SEE CIVIL LAW, PROCEDURE & COURT ADMINISTRATION. This Act makes changes to acknowledgment provisions relating to real property conveyances.
- HOUSE FILE 2460** - School District Enrollment of Persons Required to Register as a Sex Offender
SEE EDUCATION. This Act requires the county sheriff to provide school districts located within the county with the name of any individual under the age of 21 who is required to register as a sex offender.
- HOUSE FILE 2464** - Automated External Defibrillator Grant Program
SEE HEALTH & SAFETY. This Act requires the Iowa Department of Public Health to establish an Automated External Defibrillator Grant Program to assist in the distribution of automated external defibrillator equipment and training regarding equipment utilization.
- HOUSE FILE 2516** - Notarial Acts — Certifications of Uniform Citation and Complaints
SEE CRIMINAL LAW, PROCEDURE & CORRECTIONS. Under this Act, a chief officer of a law enforcement agency or the chief officer's designee is not required to use a stamp or seal when certifying the verification of a uniform citation and complaint.
- HOUSE FILE 2579** - Appeals From Condemnation Proceedings — Damage Awards — Interest
SEE CIVIL LAW, PROCEDURE & COURT ADMINISTRATION. This Act makes changes relating to disposition of an award of damages in a condemnation proceeding pending appeal of the award to district court and to the award of interest earned on the damages.

LOCAL GOVERNMENT

SENATE FILE 2044 - Volunteer Emergency Services Provider Death Benefits — Heart Attacks or Strokes

BY BRUNKHORST. This Act concerns eligibility for state payment of a \$100,000 line of duty death benefit to volunteer emergency services providers. Volunteer emergency services providers include volunteer fire fighters, volunteer emergency medical care providers, volunteer emergency rescue technicians, and reserve peace officers.

The Act provides that if the death was the result of a heart attack or stroke, the death will be presumed to have been as a result of a traumatic personal injury and compensable if the provider had engaged in nonroutine stressful or strenuous physical activity and the death occurred while engaging in that activity, while still on duty after that activity, or within 24 hours after the activity, and the presumption cannot be overcome by medical evidence.

SENATE FILE 2270 - County Records

BY COMMITTEE ON LOCAL GOVERNMENT. Code Sections 331.605A and 331.605C allow the county recorder to collect a fee of \$1 for each recorded transaction to be used for records maintenance and maintaining an Internet website providing electronic access to records and information. This Act specifies that these fees, and any earned interest, are to be deposited in a county recorder's records management fund or electronic transaction fund.

Code Section 331.608, subsection 6, provides for the confidentiality of veterans' military personnel records in the custody of the county recorder. Currently, one exception to this confidentiality is when access is required by the federal or state government or a political subdivision. The Act adds a requirement that the records be released to the Commission of Veterans Affairs, subject to the same state and federal confidentiality provisions that bind the county recorder. The Act also strikes an exemption to that confidentiality that allows access to persons conducting research who have received written approval from the county commissioner of veteran affairs.

SENATE FILE 2284 - Regional Transit Districts

BY COMMITTEE ON WAYS AND MEANS. This Act authorizes the creation, by Code Chapter 28E agreement, of a regional transit district in a county with a population in excess of 300,000 or in one or more contiguous counties and in certain cities if one of the counties has a population in excess of 300,000. Division XXV of S.F. 2298 (see Appropriations) amended this Act to allow counties with a population in excess of 175,000 to create a regional transit district.

The Act provides that a regional transit district shall consist of the unincorporated area of a participating county and cities without an urban transit system within the county unless the city, by resolution, declines to participate. A city that has an urban transit system and is located in a participating county may, by resolution, participate in the regional transit district. The Act also provides that a city located in a nonparticipating contiguous county may, by resolution, participate in the regional transit district.

The Act provides that a regional transit district shall have the rights, powers and duties of a county enterprise under Code Sections 331.462 through 331.469. The Act requires the participating counties and cities to appoint a commission to manage and administer the regional transit district. The commission may establish a schedule of fares and collect fares for its transportation services. The Act also authorizes the commission to adopt a budget and certify for levy a regional transit district property tax with the approval of the participating counties and cities not to exceed 95 cents per \$1,000 of the assessed value of all taxable property in the county within a regional transit district, including within a participating city. The levy is for maintenance and operation of a regional transit district, for payment of debt obligations, and for a reserve fund. If a city is included in a regional transit district, the regional district levy and the supplemental levy for municipal transit purposes shall not exceed the current limitation of 95 cents per \$1,000 of assessed value. The Act amends the city supplemental levy provision to allow the tax levy for municipal transit to be used for payment on bonds issued for the transit system. The county portion of a regional transit district levy is to be deducted from the basic levies for general and rural services in the county, as applicable.

The Act amends the county bonding laws to provide that a regional transit district is an essential county purpose for the purpose of issuing general obligation bonds by the commission, with the approval of the board of supervisors, to finance its works, equipment and facilities.

Division XVI of S.F. 2298 also amended this Act to define "transportation," relating to regional transit districts, as the movement or carrying of individuals in a wheeled motorized vehicle or upon cars operated on stationary rails.

SENATE FILE 2289 - Records and Fees Administered by County Treasurer

BY COMMITTEE ON WAYS AND MEANS. This Act makes various changes relating to the duties of county treasurers.

The Act enacts new Code Section 321.23A to allow persons to file a notarized affidavit of correction with the county treasurer to correct information printed incorrectly on a certificate of title, application for certificate of title, damage disclosure statement, or other document required for a motor vehicle title transfer.

Code Sections 321.47 and 555C.3 are amended to make application by a third party for a new certificate of title for a valueless mobile, modular or manufactured home a transfer by operation of law.

Code Section 321.50 is amended to increase from \$5 to \$10 the fee required for an application for a new certificate of title listing a security interest or an application for notation of security interest on a certificate of title that has already been issued on certain motor vehicles and mobile or manufactured homes.

Code Section 321.134, relating to annual vehicle registration fees, is amended to provide that if payment of a registration fee is made by electronic means through the county treasurer's authorized website only, the payment must be initiated by midnight on the first business day of the next month if the last day of the month in which it is due falls on a Saturday, Sunday, or a holiday.

Code Section 331.552 is amended to add a new subsection which requires the county treasurer to destroy special assessment records within the county system after 10 years have elapsed from the end of the fiscal year in which the special assessments were paid in full.

Code Section 331.553, relating to rates, charges, rentals, or special assessments, certified as a lien to the county treasurer for collection, is amended to provide that the administrative expense charge on a lien will be applied each year to the annual installment amount if the amount of the lien is paid in annual installments.

Code Section 445.37, relating to payment of the semiannual installment of property taxes, is amended to provide that if payment of taxes is made by electronic means through the county treasurer's authorized website only, the payment must be initiated by midnight on the first business day of the next month if the last day of the month in which it is due falls on a Saturday, Sunday, or a holiday.

Code Section 446.16, relating to the sale of delinquent property taxes, is amended to provide that the county treasurer may collect a registration fee from each registered bidder at a tax sale. Formerly, the county treasurer was allowed to collect a registration fee from each purchaser at the tax sale.

SENATE FILE 2291 - Development and Rehabilitation of Real Property — Local Government Activities

BY COMMITTEE ON WAYS AND MEANS. This Act relates to a local government's authority to encourage development and rehabilitation of certain real property.

The Act allows alternative urban revitalization property tax exemption schedules for abandoned property that has been rehabilitated. One schedule provides a partial exemption for a period of 15 years and one schedule provides a full exemption for five years. The Act also rewrites provisions of the urban revitalization chapter to clarify statutory language on alternative exemption schedules that may be adopted by a city or a county. These sections of the Act apply to urban revitalization property tax exemptions allowed on or after May 17, 2004.

The Act amends the Code section which allows a city to purchase delinquent property taxes on residential property for use as low or moderate income housing to allow the property to be used for any type of housing. This portion of the Act applies to delinquent property tax sales held on or after May 17, 2004.

The Act shortens the redemption period from nine months to three months for redemption of delinquent property taxes sold to a city for use as housing. By operation of law, the shortened redemption period applies to delinquent property taxes sold on or after May 17, 2004.

The Act amends Code Chapter 657A, relating to abatement by rehabilitation of abandoned or unsafe buildings, to provide an alternative to the current process whereby a city or county may petition the court for appointment of a receiver to rehabilitate abandoned buildings which are used or intended to be used primarily for residential purposes. The Act allows a city, in lieu of the current process, to petition the court to award title to the property to the city if the court determines that the property is abandoned or if the owner or persons with an interest in the property agree to an award of title to the city, or if the city can show that the owner or persons with an interest in the property did not make a good faith effort to comply with

local housing official orders within 60 days after the filing of the petition for title. The Act also strikes a provision which requires that a city with a population of less than 100,000 which files a petition for abatement must include the allegation that a building is abandoned and is in a dangerous or unsafe condition.

The Act takes effect May 17, 2004.

HOUSE FILE 2145 - City Planning and Zoning Commission Membership

BY COMMITTEE ON LOCAL GOVERNMENT. This Act relates to membership on certain city planning and zoning commissions. Under current law, a city is permitted to extend its zoning powers to the unincorporated area up to two miles beyond the limits of the city if the county where the two-mile area is located has not adopted a zoning ordinance for the county. If a city does exercise its extraterritorial zoning powers, it must add two members to its planning and zoning commission and its board of adjustment. One of the members to be added to the planning and zoning commission shall be a member of the board of supervisors of the county where the extended area is located.

The Act provides that, for supervisor membership on the city planning and zoning commission, the board of supervisors may designate a person other than a member of the board to fill that office.

HOUSE FILE 2340 - Local Government Elective Offices — Vacancy Due to Military Service

BY COMMITTEE ON LOCAL GOVERNMENT. This Act establishes a process to temporarily replace an elected local government official who has been called up for active state or federal military service for more than 60 consecutive days. The temporary appointment is made by the governing body of that unit of local government. The temporary appointment remains in effect until either the expiration of the elected term or the release of the elected official from service. On release from military service, the elected official is automatically reinstated.

The Act takes effect April 14, 2004.

HOUSE FILE 2381 - County Hospital Budget Certification

BY COMMITTEE ON LOCAL GOVERNMENT. This Act changes from March 1 to March 15 the budget certification deadline for county hospital budgets.

HOUSE FILE 2404 - Alternative Forms of County and City Government

BY COMMITTEE ON STATE GOVERNMENT. This Act makes technical and substantive changes to the law relating to alternative forms of county government and to certain forms of city government, including the process by which such alternative forms of government are proposed and adopted.

LARGE COUNTY REDISTRICTING. The Act provides that if a county has adopted a charter for a city-county consolidation form or community commonwealth form that provides for representation by districts and the county's population exceeds 180,000, the county's initial plan for districts, and its first plan for districts after each federal decennial census, shall be drawn by the Legislative Services Agency based upon the standards applicable to congressional and legislative redistricting. If the plan drawn by the Legislative Services Agency is rejected by the governing body, the governing body shall direct the agency to prepare another plan as provided by current law.

ESTABLISHMENT OF A COMMISSION. The Act provides that when a petition for establishment of a charter commission is submitted to the board of supervisors, the board must, within 10 days, adopt a resolution establishing the charter commission.

COMMISSION MEMBERSHIP. The Act amends the membership of a commission to study city-county consolidation or community commonwealth forms of government. The Act provides that one city council member shall be appointed to the commission by the city council of each participating city. The Act further provides that two members of the board of supervisors shall be appointed for each participating county. One of the two supervisors must be a resident of the unincorporated area of the county. If this is not possible, the board of supervisors shall appoint a resident of the unincorporated area in lieu of appointing a supervisor. The Act further provides that additional members appointed to the commission shall be residents of the appointing city or county and appointees shall not be holding elective office at the time of the appointment. The Act removes the requirement that city-county consolidation commission members or community commonwealth commission members be appointed under the same guidelines as commissions studying the other alternative forms of county government.

COMMISSION PROCEDURE AND EXPENSES. The Act shortens the time for appointment of commission members from 45 days after adoption of the establishment resolution to 30 days after adoption of the resolution. The Act also changes from nine months after organization to seven months after organization the deadline for completion of a preliminary charter

commission report. The Act changes from 20 months after organization to 12 months after organization the deadline for completion of the final commission report. The Act provides that commission expenses shall be paid by participating cities and from the general fund of the county.

COMMISSION'S FINAL REPORT. The Act provides that if a commission recommends no change to the existing form of government, the final report shall state the reasons for and against a change in the existing form of government. The Act requires that a summary of a commission's final report is to be published by the commission in a newspaper of general circulation in each participating city, in addition to the official newspapers of the participating county.

STATUTORY CHANGES AND CHARTER AMENDMENTS. The Act provides that if the General Assembly enacts a change in the law on alternative forms of county government after a charter commission has submitted its final report to the county board of supervisors but before the charter has been submitted to the electorate, the commission may amend the proposed charter, but only to the extent the charter amendment addresses the changes in the newly enacted law.

The Act provides that if a charter proposing a city-county consolidated form or a community commonwealth form of government is adopted, the charter commission is dissolved on the date on which the terms of office of the members of the new governing body commence.

SPECIAL PROVISIONS FOR ELECTIONS. The Act provides that the general Code provisions relating to the effect of adoption of the proposed charter by the electorate do not apply to city-county consolidations or to community commonwealths. The Act then amends Code Sections 331.249 and 331.262 to add similar provisions relating to the effect of adoption of the charter in that section of the Code that relates specifically to city-county consolidations and to community commonwealths.

SPECIAL PROVISIONS FOR ALTERNATIVE FORMS OF COUNTY GOVERNMENT. The Act provides that the general Code provisions relating to limitations on the alternative forms of county government do not apply to city-county consolidations or to community commonwealths. The Act then amends Code Section 331.248 to add similar limitations provisions in that section of the Code that relates specifically to city-county consolidations and to community commonwealths.

TWO FORMS OF CITY-COUNTY CONSOLIDATION. The Act provides that a city-county consolidation charter may provide for the merger of a county and participating cities into a single unit of local government which includes a municipal corporation and a county, or may provide for a unified government structure of a county and one or more participating cities where each would remain separate political subdivisions. Either form allows the county and participating cities to retain a separate debt limitation for purposes of the limitation imposed by the state constitution.

CITY POPULATION. Currently, the law provides that if more than 50 percent of a city's population resides in a county creating a city-county consolidation charter commission, the city will be included on the commission. The Act provides for such a city's inclusion even if the population of the city falls below the more than 50 percent threshold at a later date.

CHARTER ADOPTION. The Act provides that adoption of a city-county consolidation charter or a community commonwealth charter requires the approval of a majority of the votes cast in the county and a majority of the votes cast in one or more of the cities named on the ballot.

PETITIONS FOR CONSOLIDATION. The Act provides that a petition to join a city-county consolidated government requires signatures in an amount equal to 25 percent of the persons voting at the last regular city election, rather than at the general election. After receiving a petition calling for participation, the city council must adopt a resolution and forward it to the city-county consolidated governing body within 10 days of adoption, rather than immediately.

CHARTER AMENDMENTS. The Act provides for amendment of a city-county consolidation charter or community commonwealth charter by resolution of the governing body and approval of the electorate; or by ordinance of the governing body, which ordinance may be petitioned for approval by referendum; or by petition and election.

CONSOLIDATED GOVERNING BODIES. The Act provides that a city-county consolidation charter shall provide for a governing body of not less than five members and for the initial compensation for the members and for a method of changing the compensation. The Act also provides that the charter shall provide for a representation plan for the governing body which may differ from the representation plans in current Code for counties and cities.

EXPEDITED COURT REVIEW. The Act provides that when a charter for city-county consolidation is challenged in district court, the court is to expedite its review and determination on the challenge.

SUBSEQUENT CHARTER SUBMISSIONS. The Act provides that if a city-county consolidation charter or a community commonwealth charter is rejected by the electorate, another charter shall not be submitted to the electorate for at least two years after the election at which the charter was rejected. The Act also provides that if a charter for either form of government is adopted, a proposed charter for another alternative form of government shall not be submitted to the electorate for at least six years from the date of the election at which the charter was adopted.

CONTINUITY AFTER CHARTER ADOPTION. The Act strikes language relating to city-county consolidation that requires the governing body, within two years of ratification of the charter, to revise, repeal or reaffirm all rules, ordinances and resolutions in force at the time of consolidation and instead provides that each rule, ordinance and resolution shall remain in force unless superseded by action of the governing body or superseded by a charter provision.

BALLOT QUESTION. The Act amends the form of the ballot to present only one question on adoption of the city-county consolidation government and its charter. These provisions also apply to community commonwealth proposed charters.

MULTICOUNTY CONSOLIDATION. The Act provides that if multicounty consolidation is approved by the electorate in two or more counties, the General Assembly shall pass legislation recognizing the change in county boundaries.

EFFECTIVE DATE AND RETROACTIVE APPLICABILITY. The Act takes effect April 13, 2004. The portions of the Act that amend charter commission establishment, membership and duration do not apply to charter commissions that have been established and are operating as of April 13, 2004. The remainder of the Act applies retroactively to charter commissions in existence on April 13, 2004.

HOUSE FILE 2471 - Detention of Out-of-State Prisoners

BY COMMITTEE ON LOCAL GOVERNMENT. This Act allows a prisoner from another state who has not been charged with a criminal offense in this state to be detained or committed in a county jail in this state. If a governmental entity from another state sends prisoners to this state for detention or commitment to a county jail, the Act provides that the governmental entity from the other state sending the prisoners is responsible for paying expenses to the county for housing the prisoners.

The Act takes effect April 28, 2004.

HOUSE FILE 2537 - Mental Illness, Mental Retardation, Developmental Disability, and Brain Injury Services and Support

BY COMMITTEE ON HUMAN RESOURCES. This Act addresses redesign of the system for services and other support provided for persons with mental illness, mental retardation or other developmental disabilities, or brain injury (MI/MR/DD/BI).

The name of the Mental Health and Developmental Disabilities Commission is changed to the Mental Health, Mental Retardation, Developmental Disabilities, and Brain Injury Commission throughout the Code. The commission is part of the Department of Human Services (DHS). The term "single entry point process" is changed to reflect the commonly used term "central point of coordination process." This process is used by counties to manage county services to persons with MI/MR/DD/BI.

Legislative intent is stated for implementation of the system redesign to take place over a period of years, subject to enactment of specific statutory authorization for implementation. The purpose of the system redesign is stated in the Code and the commission is directed to perform various redesign activities in fiscal years 2004-2005 and 2005-2006. Activities include multiyear planning, addressing the transition of children to the adult system, proposing standardized functional assessment tools, proposing case rates for services, and developing an implementation plan for shifting to determination of county financial responsibility based upon an individual's county of residence. Other redesign activities are provided for the commission and DHS, including proposing a new information technology system and semiannual reporting to the Governor and General Assembly.

A new state-county dispute resolution process is established in which administrative law judges hear disputes concerning the legal settlement of a person receiving services from the state resource centers, the state mental health institutes, or the Medicaid Program. A decision of an administrative law judge may be appealed to the district court. The county or state determined to have legal settlement pays for the individual's past and future services and the costs of the proceedings. A procedure is included to address disputes for services provided prior to July 1, 2004.

HOUSE FILE 2544 - Real Estate Records and Transactions

BY COMMITTEE ON WAYS AND MEANS. Current law authorizes the county auditor to collect a \$5 fee for each property transfer described in a deed. This Act broadens the fee to cover any instrument that unconditionally conveys real estate. The Act also requires that each county adopt a numbering and indexing system that assigns a unique number for each parcel of

real property located in that county. The Act also requires that in the situation where a life estate is terminated, a change of title shall be provided to the county recorder where the parcel of real estate is located.

HOUSE FILE 2560 - Fire Protection and Emergency Medical Service

BY COMMITTEE ON WAYS AND MEANS. This Act makes changes to the law relating to fire protection service by cities, counties, townships, and benefited fire districts.

The Act provides that in a county with a population of more than 300,000, fire protection or fire protection and emergency medical services agreements or contracts between a township and a city or another township that are in force on July 1, 2004, shall remain in force for FY 2005-2006 and FY 2006-2007. Thereafter, the county shall negotiate agreements for fire protection or fire protection and emergency medical services on behalf of those townships and shall levy amounts sufficient to meet the obligations under the agreements. This portion of the Act does not apply to a Chapter 28E agreement entered into by three or more townships that provides for the creation of one fire department to provide fire protection service to those townships.

The Act specifies that the fire protection levy certified by a county for fire protection service shall be imposed in the township for which powers and duties of the township trustees relating to fire protection service have been assumed by the county board of supervisors.

The Act provides that during the process of dissolving a benefited fire district, the board of supervisors where the district is located shall continue to levy an annual tax for fire protection service in the district and shall negotiate agreements for continued fire protection service until such time as the board of trustees of the township assumes that duty. The Act increases the maximum annual tax to be levied during and after dissolution from 40 1/2 cents to 60 3/4 cents per \$1,000 of assessed value of taxable property in the district. This section of the Act takes effect May 6, 2004, and applies to fiscal years beginning on or after July 1, 2004.

HOUSE FILE 2569 - Scheduled Violations — County Enforcement Surcharge

BY COMMITTEE ON WAYS AND MEANS. This Act imposes a county enforcement surcharge of \$5 on fines or forfeitures imposed pursuant to citations issued by the county sheriff for state violations punishable as a scheduled fine, if the board of supervisors has authorized the assessment of the surcharge for the county. The county enforcement surcharge is in addition to the fine and any other surcharge currently assessed. The Act directs the clerk of the district court to remit all moneys collected in the preceding month from the county enforcement surcharge to the county where the citation was issued for deposit in the county general fund. The county enforcement surcharge is exempt from the Code provisions allowing a county to retain a portion of delinquent surcharges collected by the county attorney because the county enforcement surcharge is already payable to the county.

NATURAL RESOURCES AND OUTDOOR RECREATION

- SENATE FILE 297 - Snowmobile and All-Terrain Vehicle Regulation
- SENATE FILE 2213 - Fishing and Hunting Licenses — Cancellation for Nonpayment of License Fee
- SENATE FILE 2282 - Loess Hills Study
- HOUSE FILE 2186 - Unlawful Sale, Taking, Damaging, or Destruction of Antlered Deer — Damages Payable
- HOUSE FILE 2281 - Nonresident Bait Dealer Licensing
- HOUSE FILE 2282 - Bait Sales by Aquaculture Units
- HOUSE FILE 2357 - Invasive Aquatic Plants and Animals
- HOUSE FILE 2366 - Blaze Orange Hunters' Apparel
- HOUSE FILE 2393 - Discharging Firearms Near Buildings and Feedlots
- HOUSE FILE 2432 - Landowner Hunting Licenses — VETOED BY THE GOVERNOR

RELATED LEGISLATION

- SENATE FILE 2298 - Government Funding, Administration, and Regulation — Appropriations and Miscellaneous Changes
SEE APPROPRIATIONS. Division II of this Act appropriates moneys to support the Department of Natural Resources (DNR) and programs relating to natural resources and outdoor recreation.

 Division X allows DNR to require, before a permit will be issued, a public water supply to replace its groundwater source if it is or is likely to be contaminated, provided the public water supply is fully compensated for the additional costs.

 Division XVI increases the special motor vehicle plates and registration fees for special natural resources plates.
- HOUSE FILE 2207 - Substantive Code Corrections
SEE STATE GOVERNMENT. This Act contains statutory corrections that adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities. Changes made include changes to provisions pertaining to animal feeding operations and deletion of language containing expired appropriations to the Groundwater Protection Fund.
- HOUSE FILE 2515 - Regulation of Farm Deer — VETOED BY THE GOVERNOR
SEE AGRICULTURE. This bill would have provided for the regulation of farm deer by the Department of Agriculture and Land Stewardship, including by providing for acreage requirements, licensing, and the taking of farm deer.
- HOUSE FILE 2538 - Cash Reserve, Infrastructure, and Environment First Funds — Transfers
SEE APPROPRIATIONS. This Act makes a transfer from the Cash Reserve Fund to the Rebuild Iowa Infrastructure Fund (RIIF) for FY 2003-2004. The transferred moneys are to be used for the standing appropriation from RIIF to the Environment First Fund. The Act takes effect April 2, 2004.
- HOUSE FILE 2567 - Transportation and Disposal of Dead Animals
SEE AGRICULTURE. This Act provides for the transportation and rendering of animal carcasses, including by regulating the transportation of deer and elk carcasses into the state from areas having a significant prevalence of chronic wasting disease. The provision relating to chronic wasting disease takes effect May 14, 2004.

NATURAL RESOURCES AND OUTDOOR RECREATION

SENATE FILE 297 - Snowmobile and All-Terrain Vehicle Regulation

BY COMMITTEE ON TRANSPORTATION. This Act provides for the regulation of snowmobiles and all-terrain vehicles (ATVs under separate Code chapters. The authority of the Department of Natural Resources (DNR) to administer registration and titling of snowmobiles and ATVs and their operation on public land is retained in both chapters, and the Director of Transportation retains authority to adopt rules relating to their operation on highways.

PROVISIONS RELATING TO BOTH SNOWMOBILES AND ATVS. Under the Act, provisions regulating snowmobiles remain substantially intact, with the exception of the following provisions which represent policy changes that apply to snowmobile and ATV owners and operators:

- ? Separate snowmobile and ATV funds are created in the State Treasury for deposit of registration and other fees. The moneys in each fund are dedicated to support only programs relating to snowmobile or ATV programs as applicable. Registration of both snowmobiles and ATVs is now required annually for a fee of \$15. Current law requires registration every other year for a fee of \$25. The annual registration requirement and fees apply for new registrations and renewals for years beginning on or after January 1, 2005.
- ? The deadline for notifying the county recorder of a change in address by a registrant is changed from 10 days to 30 days. The writing fee for county recorders for issuance of registrations is increased from \$1 to \$1.25. The fee for safety certificates for persons under 18 years of age operating on public land is increased from \$3 to \$5.
- ? Provisions relating to the filing of accident reports are modified to require that a report be filed with the county sheriff or other law enforcement agency immediately if there is property damage amounting to \$1,000 or more. The threshold under current law is \$200. Accidents occurring on public land or ice under the jurisdiction of the Natural Resource Commission must, under the Act, now be reported to the commission within 72 hours, rather than 48 hours. All other accidents must be reported in the manner prescribed for motor vehicle accidents.
- ? Current law provides that a violation of snowmobile or ATV laws is a simple misdemeanor punishable by a scheduled fine. Under the Act, the fines for registration violations and most operating violations remain at \$20. The fine for improper or defective equipment is increased from \$10 to \$20; the fine applicable to violations by owners of rented snowmobiles and ATVs is increased from \$15 to \$20; and the fine for failure to display an identification number is increased from \$10 to \$20.

PROVISIONS RELATING TO THE REGULATION OF ATVS. The Act moves current provisions relating to ATVs into a new Code chapter and incorporates several substantive changes in addition to those mentioned above. The definition of "all-terrain vehicle" is revised by raising the maximum dry weight limit from less than 750 pounds to less than 850 pounds, and the prohibition against carrying a passenger is modified to allow as many persons on the vehicle as it is designed to carry.

The Act provides that a two-wheeled off-road motorcycle is considered an ATV for the purpose of titling only if it has not previously been titled as a motor vehicle. However, the owner of a motorcycle that has been issued a title as an ATV can apply for and be issued a motor vehicle title upon surrender of the existing title. Two-wheeled off-road motorcycles continue to be considered ATVs for the purpose of registration by DNR.

A new provision requires that a nonresident must obtain a user permit from DNR in order to operate an ATV on public land or ice in Iowa. User permits are valid for the calendar year specified in the permit and are not transferable. The permits may be issued by county recorders or license depositaries designated by DNR in a manner similar to the issuance of hunting and fishing licenses. The fee for an annual user permit is \$15 plus an administrative fee established by the commission. County recorders and license depositaries retain a \$1 writing fee for each permit they issue. A person who violates the requirement to obtain a user permit is subject to a \$20 fine.

The Act prohibits operation of ATVs on highways, including the area between the roadway and the fence line, except on a roadway designated by a county board of supervisors for a specified period. However, a landowner and members of the landowner's family may operate an ATV owned by the landowner on the portion of the highway right-of-way between the owner's property line and the shoulder of the roadway. Operation of ATVs on highways between sunrise and sunset for agricultural purposes continues to be allowed. The Act creates additional exceptions for employment-related activities by licensed engineers and land surveyors, employees or agents of political subdivisions or public utilities, and employees or agents of public agencies providing emergency services or rescue. Cities may continue to designate streets under their jurisdiction which may be used for ATV sports.

SENATE FILE 2213 - Fishing and Hunting Licenses — Cancellation for Nonpayment of License Fee

BY COMMITTEE ON NATURAL RESOURCES AND ENVIRONMENT. This Act permits the Department of Natural Resources to adopt rules to cancel fishing and hunting licenses issued by the department when the licensee has failed to pay the applicable license fee.

SENATE FILE 2282 - Loess Hills Study

BY COMMITTEE ON NATURAL RESOURCES AND ENVIRONMENT. This Act requires the Loess Hills Development and Conservation Authority, in consultation with the State Advisory Board for Preserves, to conduct a comprehensive study of the Loess Hills. The authority is required to determine the archeological and paleontological significance and the significance of the flora and fauna of the Loess Hills and the feasibility of designating land in the Loess Hills for dedication as a state native prairie preserve and for other uses. The Act also provides that the Natural Resource Commission may accept gifts, grants, bequests, and other private contributions, as well as federal, state or local funds, for the purpose of conducting the study. The Act was amended by S.F. 2298 (see Appropriations), section 399, to provide that the authority, not the commission, may accept moneys to conduct the study. The Act requires a final report of findings and recommendations to the General Assembly by December 15, 2006.

The Act takes effect contingent upon receipt by the authority of federal, state or local funding for the study and report.

HOUSE FILE 2186 - Unlawful Sale, Taking, Damaging, or Destruction of Antlered Deer — Damages Payable

BY COMMITTEE ON NATURAL RESOURCES. This Act increases the damages payable to the state by a person convicted of unlawfully selling, taking, catching, killing, injuring, destroying, or possessing any antlered deer at any time. The Act provides that for any antlered deer, the damages payable by an offender, including a fine and community service, or in lieu of the community service, an increased fine, shall be based on the point score of the enduring trophy characteristics of the deer (such as antlers and skulls) as measured by the Boone and Crockett Club's net scoring system for measuring native North American big game, as it pertains to whitetail deer.

HOUSE FILE 2281- Nonresident Bait Dealer Licensing

BY COMMITTEE ON NATURAL RESOURCES. This Act provides that nonresident wholesale bait dealers who sell to licensed wholesale bait dealers in Iowa for resale may be licensed in Iowa whether or not the nonresident wholesale bait dealer's state sells similar licenses or certificates to residents of Iowa.

The Act takes effect April 26, 2004.

HOUSE FILE 2282 - Bait Sales by Aquaculture Units

BY COMMITTEE ON NATURAL RESOURCES. This Act relates to the selling of bait by an aquaculture unit licensee. The Act limits a nonresident aquaculture unit licensee to selling bait at wholesale unless the home state of the nonresident licensee allows residents of this state to sell bait at retail.

HOUSE FILE 2357 - Invasive Aquatic Plants and Animals

BY COMMITTEE ON NATURAL RESOURCES. This Act relates to the prevention and control of certain aquatic invasive plant and animal species in this state. An "aquatic invasive species" is defined as a species that is not native to an ecosystem and whose introduction causes or is likely to cause economic or environmental harm or harm to human health, including habitat alteration and degradation and loss of biodiversity. The Act limits "aquatic invasive species" to Eurasian watermilfoil and purple loosestrife, which are plants, and to zebra mussels, which are animals.

The Act requires the Natural Resource Commission to prepare a long-term statewide aquatic invasive species water management plan before January 1, 2005, that addresses the detection and prevention of accidental introductions of such species into the state, a public awareness campaign concerning such species, the control and eradication of such species in public waters, and the development of a plan of containment strategies. The plan for containment strategies must include participation by lake associations, local citizen groups, and local units of government in the development of lake management plans where aquatic invasive species exist, and notice to travelers of the penalties for violation of laws relating to such species.

The Act requires the commission to adopt rules that restrict the introduction, propagation, use, possession, and spread of aquatic invasive species and that identify bodies of water with infestation of aquatic invasive species. The Act requires that infested bodies of water be posted as such. The Department of Natural Resources may prohibit boating, fishing, swimming, and trapping in infested bodies of water.

The Act authorizes the commission to define an additional species as an “aquatic invasive species” by rule, subject to enactment of the definition by the General Assembly at its next regular session. Failure of the General Assembly to enact such a definition constitutes a nullification of the definition effective upon adjournment of that session.

The Act provides that a person shall not transport an aquatic invasive species on a public road, place a trailer or launch a watercraft that is infested in public waters, or operate a watercraft in an area that is marked as infested. The penalty for violating these provisions is a scheduled fine of \$100.

HOUSE FILE 2366 - Blaze Orange Hunters' Apparel

BY COMMITTEE ON NATURAL RESOURCES. This Act requires a person hunting upland game birds to wear one or more of the following items of visible, external apparel: a hat, cap, vest, coat, jacket, sweatshirt, sweater, shirt, or coveralls, the color and material of which shall be at least 50 percent solid blaze orange.

A violator is subject to a scheduled fine of \$50.

HOUSE FILE 2393 - Discharging Firearms Near Buildings and Feedlots

BY COMMITTEE ON NATURAL RESOURCES. This Act provides that target shooting on premises posted as a target shooting range that is open to the public is exempt from the requirement that a firearm cannot be discharged within 200 yards of a building inhabited by people or domestic livestock, or of a feedlot, if the premises have been used as a target shooting range prior to the erection of such a building or construction of a feedlot. The Act applies only to the erection of such a building or construction of a feedlot within 200 yards of a target shooting range that is open to the public and that is identified as such by the city, county, state, or federal government where the erection or construction occurs on or after May 14, 2004. For the purposes of the Act, “target shooting” means the discharge of a firearm at an inanimate object, for amusement or as a test of skill in marksmanship. A violation of the Act is punishable by a scheduled fine of \$25.

The Act also provides that the discharge of a firearm on premises posted as a public hunting area is exempt from the requirement that a firearm cannot be discharged within 200 yards of a building inhabited by people or domestic livestock, or of a feedlot, if the premises have been identified as a public hunting area prior to the erection of such a building or construction of a feedlot. The provision applies only to the erection of such a building or construction of a feedlot within 200 yards of a public hunting range that is identified as such by the city, county, state, or federal government and where the erection or construction occurs on or after May 14, 2004.

The Act takes effect May 14, 2004.

HOUSE FILE 2432- Landowner Hunting Licenses — VETOED BY THE GOVERNOR

BY COMMITTEE ON NATURAL RESOURCES. This bill would have provided for the issuance of one free any sex deer hunting license, one free antlerless deer hunting license, and one free wild turkey license to certain landowners and tenants of farm units or to members of their families. The bill redefined a “farm unit” to mean all parcels of land in tracts of 10 or more acres and the special licenses would have been valid only on the farm unit for which the applicant qualified under the bill.

The bill also would have provided that if the Natural Resource Commission established a deer hunting season in the first quarter of a calendar year that was separate from the deer hunting season in the last quarter of the preceding calendar year, an owner and tenant of a farm unit or a member of their families could apply for one free deer hunting license for the first calendar quarter of the calendar year, and two free deer hunting licenses for the last quarter of the preceding calendar year, one of which was required to be an antlerless deer license.

STATE GOVERNMENT

- SENATE FILE 2188 - Human Rights — Asians and Pacific Islanders — Commission
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- HOUSE FILE 2520 - Government Purchasing Procedures — Iowa-Based Products and Services

RELATED LEGISLATION

- SENATE FILE 2153 - Public Health Emergencies or Disasters — Financial Assistance
SEE HEALTH & SAFETY. This Act allows the Iowa Department of Public Health to provide financial assistance to local governments in the event of a public health emergency or disaster.
- SENATE FILE 2208 - Department of Agriculture and Land Stewardship and Agricultural Regulation — Miscellaneous Changes
SEE AGRICULTURE. This Act exempts the Department of Agriculture and Land Stewardship from requirements of Code Chapter 8E, the Accountable Government Act.
- SENATE FILE 2213 - Fishing and Hunting Licenses — Cancellation for Nonpayment of License Fee
SEE NATURAL RESOURCES & OUTDOOR RECREATION. This Act permits the Department of Natural Resources to adopt rules to cancel fishing and hunting licenses issued by the department when the licensee has failed to pay the applicable license fee.
- SENATE FILE 2269 - Elections and Voter Registration
SEE ELECTIONS, ETHICS & CAMPAIGN FINANCE. This Act makes changes to the law relating to elections, absentee voting, and voter registration. The Act contains Code language changes which, unless otherwise noted, are necessary to comply with requirements of Pub. L. No. 107-252, the Help America Vote Act of 2002. The Act takes effect April 16, 2004, and applies to elections held on or after September 15, 2004.
- SENATE FILE 2282 - Loess Hills Study
SEE NATURAL RESOURCES & OUTDOOR RECREATION. This Act requires the Loess Hills Development and Conservation Authority, in consultation with the State Advisory Board for Preserves, to conduct a comprehensive study of the Loess Hills. However, the Act takes effect only upon receipt by the authority of federal, state or local funding for the study and a report.
- SENATE FILE 2298 - Government Funding, Administration, and Regulation — Appropriations and Miscellaneous Changes
SEE APPROPRIATIONS. Division IX of this Act permits the Iowa Law Enforcement Academy to charge more than one-half the costs of providing the basic training course for FY 2004-2005. The division also makes changes in the distribution of certain delinquent fines and costs collected by the county attorney which otherwise would have gone to the state under current law.

Division X provides for the increase in the membership of the Commission of Veterans Affairs, changes the qualifications for Commandant of the Iowa Veterans Home, and authorizes the commission to establish and operate a veterans cemetery; addresses the compensation and benefits paid to state employees; provides for nonreversion of moneys appropriated for the Military Pay Differential Program and Health Insurance Retention Program; authorizes the State Board of Regents to issue revenue bonds for a five-year building program at the regents universities; provides a special provision for reversions and full-time equivalent positions of charter agencies; provides that the requirement that health care facilities assist in identifying residents who are eligible for benefits from the federal Department of Veterans Affairs does not apply to individuals admitted to the Iowa Veterans Home; provides for nonreversion of moneys appropriated for investment in reinvention initiatives to produce ongoing savings; and allows all of the money, instead of just 20 percent, appropriated to the Local Government Innovation Fund to be used in the form of forgivable loans or grants.

Division XI makes appropriations from the Rebuild Iowa Infrastructure Fund to various departments and agencies for infrastructure and capital projects.

- S.J.R. 2007** - World Food Prize Awards Ceremony
SEE ALCOHOL REGULATION & SUBSTANCE ABUSE. This Joint Resolution authorizes the consumption of wine at an awards ceremony to be held by the World Food Prize Foundation at the State Capitol on or around October 14, 2004.
- S.J.R. 2009** - Annual Meeting of MidAmerican Chapter of American Association of Law Librarians
SEE ALCOHOL REGULATION & SUBSTANCE ABUSE. This Joint Resolution authorizes the consumption of wine in the State Capitol during a social event to be held in conjunction with the 2004 Annual Meeting of the MidAmerican Chapter of the American Association of Law Librarians.
- S.J.R. 2010** - Proposed Constitutional Amendment — Tax or Fee Increases
SEE TAXATION. This Joint Resolution proposes an amendment to the Constitution of the State of Iowa requiring that certain tax or fee increases will not take effect unless approved by majority vote at a state general election. The Joint Resolution will be referred to the next General Assembly. If the next General Assembly adopts the Joint Resolution, the amendment will be submitted to the voters for ratification.
- HOUSE FILE 593** - Election Law Changes — VETOED BY THE GOVERNOR
SEE ELECTIONS, ETHICS & CAMPAIGN FINANCE. This bill would have made changes to the law relating to elections and voter registration.
- HOUSE FILE 2133** - Lottery Authority Budget Information — Reports to Legislature
SEE GAMING. This Act provides that copies of budget information submitted by the Iowa Lottery to the Department of Management shall also be submitted to the Legislative Government Oversight Committees and the Legislative Services Agency.
- HOUSE FILE 2200** - Arson and Fire Safety Regulation
SEE HEALTH & SAFETY. This Act requires that all contractors who engage in or represent to the public as in engaging in the business of layout, installation, repair, addition, maintenance, or maintenance inspection of automatic fire extinguishing systems be certified by the State Fire Marshal pursuant to the provisions of the Act.
- HOUSE FILE 2318** - Campaign Finance — Committee Organization or Dissolution — Contributions
SEE ELECTIONS, ETHICS & CAMPAIGN FINANCE. This Act makes a series of changes to the campaign finance laws in Code Chapter 68A.
- HOUSE FILE 2358** - Practice of Cosmetology — Miscellaneous Changes
SEE HEALTH & SAFETY. This Act makes technical and substantive changes relating to the practice of cosmetology.
- HOUSE FILE 2402** - Interdepartmental Appropriation Transfers — VETOED BY THE GOVERNOR
SEE APPROPRIATIONS. This bill would have revised the authority of the Director of the Department of Management to make interdepartmental transfers of appropriations.

- HOUSE FILE 2404** - Alternative Forms of County and City Government
SEE LOCAL GOVERNMENT. This Act makes technical and substantive changes to the law relating to alternative forms of county government and to certain forms of city government, including the process by which such alternative forms of government are proposed and adopted. The Act takes effect April 13, 2004.
- HOUSE FILE 2441** - Spanish Language Interpreter Qualifications
SEE HUMAN SERVICES. This Act relates to the development of a mechanism by the Commission of Latino Affairs to ensure Spanish language interpreter qualifications and relates to providing a list of such interpreters to specified state agencies.
- HOUSE FILE 2447** - Elevators, Boilers, and Pressure Vessels — Regulation and Safety
SEE HEALTH & SAFETY. This Act rewrites the Code chapters regulating boilers and unfired steam pressure vessels and elevators, Code Chapters 89 and 89A, to establish a Boiler and Pressure Vessel Board and an Elevator Safety Board within the Labor Services Division of the Department of Workforce Development. Each board is given rulemaking authority, including the authority to hear and decide contested cases. The Act strikes the Labor Commissioner's rulemaking authority in these areas, except with regard to requirements for special inspectors. The Act also establishes within the State Treasury, under the control of the commissioner, a Boiler and Pressure Vessel Safety Revolving Fund and an Elevator Safety Fund. The Act takes effect April 26, 2004.
- HOUSE FILE 2484** - Regulation of Financial Institutions and Real Property Transactions
SEE BUSINESS, BANKING & INSURANCE. Division I of this Act reorganizes the Division of Banking of the Department of Commerce by eliminating the position of deputy director, changing the name of the State Banking Board to the State Banking Council, and making other technical and correctional changes related to the Division of Banking and the regulation of state banks.
- HOUSE FILE 2496** - Physical Therapy — Use of Professional Titles and Other Designations
SEE HEALTH & SAFETY. This Act permits the Department of Public Health to revoke a license to practice for the false use of a physical therapy title.
- HOUSE FILE 2516** - Notarial Acts — Certifications of Uniform Citation and Complaints
SEE CRIMINAL LAW, PROCEDURE & CORRECTIONS. Under this Act, a chief officer of a law enforcement agency or the chief officer's designee is not required to use a stamp or seal when certifying the verification of a uniform citation and complaint.
- HOUSE FILE 2571** - Agricultural Landholding Reporting
SEE AGRICULTURE. This Act amends provisions in Code Chapter 10B providing reporting requirements for business entities holding agricultural land in this state.
- HOUSE FILE 2579** - Appeals From Condemnation Proceedings — Damage Awards — Interest
SEE CIVIL LAW, PROCEDURE & COURT ADMINISTRATION. This Act makes changes relating to disposition of an award of damages in a condemnation proceeding pending appeal of the award to district court and to the award of interest earned on the damages.

STATE GOVERNMENT

SENATE FILE 2188 - Human Rights — Asians and Pacific Islanders — Commission

BY COMMITTEE ON STATE GOVERNMENT. This Act establishes a Division on the Status of Iowans of Asian and Pacific Islander Heritage within the Department of Human Rights. The Commission on the Status of Iowans of Asian and Pacific Islander Heritage is also created. The commission consists of nine members, appointed by the Governor subject to Senate confirmation. Duties of the commission are specified and consist of advising and assisting the Governor and General Assembly on issues impacting Asian and Pacific Islander persons. The Act further allows the commission to accept gifts, grants, devises, or bequests of real or personal property from the federal government for the use and purposes of the commission.

SENATE FILE 2215 - Investments by Iowa Finance Authority — Funds Established by Treasurer of State

BY COMMITTEE ON WAYS AND MEANS. This Act relates to the investment of moneys of the Iowa Finance Authority in funds within the Office of the Treasurer of State. The Act authorizes the authority to establish one or more funds within the State Treasury and invest moneys of the authority in such funds. Moneys invested by the Treasurer of State in such funds shall not revert to the General Fund of the State and interest accrued shall be moneys of the authority and shall not be credited to the General Fund of the State. The Act requires the Treasurer of State to enter into an agreement with the authority to carry out the provisions of the Act.

SENATE FILE 2308 - Legislators' Per Diem — 2004 Regular Session

BY IVERSON AND GRONSTAL. This Act limits the payment of per diem of state legislators for the 2004 Regular Legislative Session to a maximum of 95 rather than 100 calendar days.

The Act takes effect May 3, 2004, and applies retroactively to April 15, 2004.

HOUSE FILE 2167 - Department of Inspections and Appeals — Inspections Division Eliminated

BY COMMITTEE ON STATE GOVERNMENT. Under current law, the Department of Inspections and Appeals is organized into four divisions: Administrative Hearings, Investigations, Inspections, and Health Facilities. As an efficiency measure, the actual duties of the Inspections Division have been absorbed into other parts of the department. For that reason, this Act eliminates references to the Inspections Division from the Iowa Code.

HOUSE FILE 2193 - Cosmetology Licensure — Training Requirements

BY COMMITTEE ON HUMAN RESOURCES. This Act relates to the manner in which hours of study requirements regarding licensure as a cosmetologist shall be determined. The Act provides additional clarification that the hours of study requirements currently required for licensure shall refer to clock hours, or semester credit hours or the equivalent thereof, as determined pursuant to administrative rule and regulations promulgated by the U. S. Department of Education.

HOUSE FILE 2201 - Massage Therapy — Exemptions From Licensure Requirements

BY COMMITTEE ON STATE GOVERNMENT. This Act provides that the licensure provisions of Code Chapter 152C, relating to massage therapy, shall not apply to a number of designated individuals. Among the individuals exempted are licensed health care professionals, out-of-state licensed individuals incidentally present in this state to teach a course of instruction related to massage and bodywork therapy or to consult with other licensed health care professionals, massage therapy students, individuals giving massage and bodywork to members of their immediate family, and individuals who restrict their manipulation of the soft tissues of the human body to the hands, feet or ears and who do not hold themselves out to be a massage therapist or perform massage therapy.

Additionally, the Act exempts specified individuals engaged within the scope of practice of a profession with established standards and ethics utilizing touch, words, and directed movement to deepen awareness of existing patterns of movement in the body as well as to suggest new possibilities of movement, provided that the practices performed or services rendered are not designated or implied to be massage therapy; individuals engaged within the scope of practice of a profession with established standards and ethics in which touch is limited to that which is essential for palpitation and affectation of the human energy system; and persons incidentally present in this state to provide services as part of an emergency response team working in conjunction with disaster relief officials.

HOUSE FILE 2207 - Substantive Code Corrections

BY COMMITTEE ON JUDICIARY. This Act contains statutory corrections that adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities.

The Act includes changes to Code language on the following subjects: programs and institutions governed by the Department of Administrative Services, Department of Revenue, and their predecessor agencies; activities conducted by the Legislative Services Agency; the Iowa Lottery Authority; regulation of physician assistants; manufactured and mobile homes; the recording of the name of a farm; inspections of jails; local government reimbursement for prisoner expenses; animal feeding operations; insurance producers; the Money Services Act; the Interstate Compact for Adult Offender Supervision; agricultural products under the Life Science Products Code chapter; the Iowa Public Employees' Retirement System; qualified experts under the Indian Child Welfare Code chapter; temporary removal hearings in child in need of assistance proceedings; the crime of abandonment of a vehicle; obsolete references concerning the Microenterprise Development Revolving Fund, the Iowa Technology Center, a job training program study, and expired appropriations to the Groundwater Protection Fund; distribution of meat from hunters to Department of Corrections facilities; annexation of territory by a city; city council elections; property tax assessment; public utilities; regulation of various business entities; health maintenance organization annual reports; the plan to assure fair access to insurance requirements; forcible entry and detainer actions; scheduled violations for certain traffic offenses; no-contact orders issued in judgment and sentencing proceedings; district associate judge elections; area education agency (AEA) reorganizations; and future repeals of certain economic development and other initiatives established in 2003.

The changes relating to AEA reorganizations and the strike of a reference to the former status of the Iowa Public Employees' Retirement System within the former Department of Personnel take effect April 26, 2004, and are retroactively applicable to July 1, 2003. The corrections to the district associate judge elections provisions and the future repeals of the economic development and other initiatives take effect April 26, 2004.

HOUSE FILE 2208 - Nonsubstantive Code Corrections

BY COMMITTEE ON JUDICIARY. This Act makes Code changes and corrections that are considered to be nonsubstantive and noncontroversial, in addition to style changes.

Changes made include correcting references to or names of various agencies, terms, funds, programs, and other entities; correcting or updating references to various Code chapters and sections, some of which have been repealed; making what can best be described as grammatical or punctuation changes; correcting misspellings; replacing references to the Department of Administration Services with references to the department's predecessor agencies in provisions that relate to past events; deleting an incorrect calendar year reference; and making technical corrections to an Act to better reflect the intent of the Act's provisions. The correction to 2003 Iowa Acts, Chapter 91, relating to the date after which certain provisions in that Act apply to annuity contracts issued by life insurance companies, takes effect April 16, 2004, and applies retroactively to July 1, 2003.

HOUSE FILE 2262 - Public Employee Retirement Systems and Other Benefits - Miscellaneous Changes

BY COMMITTEE ON STATE GOVERNMENT. This Act makes numerous changes to public retirement systems, including the Public Safety Peace Officers' Retirement, Accident, and Disability System (PORS, Code Chapter 97A), the Iowa Public Employees' Retirement System (IPERS, Code Chapter 97B), the Statewide Fire and Police Retirement System (MFPRSI, Code Chapter 411), and the Judicial Retirement System (Code Chapter 602). The Act also authorizes a payroll deduction by state employees to purchase additional insurance coverage. The provisions of the Act concerning public retirement systems are as follows:

PUBLIC SAFETY PEACE OFFICERS' RETIREMENT, ACCIDENT, AND DISABILITY SYSTEM. The Act contains the following provision relating to PORS:

The Code sections providing portability of service between membership in PORS and MFPRSI are amended to provide that the amount transferred from the former to the new or current retirement system to obtain service credit in the current system is the greater of the average accrued benefit earned or the amount the member could receive as a refund from terminating service under the former system. A corresponding change to Code Chapter 411 is also made.

IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM. The Act contains the following provisions relating to IPERS:

1. Service credit under IPERS does not include temporary employment during any quarter the member is otherwise on an unpaid leave of absence that is not authorized by the federal Family and Medical Leave Act.
2. The date for changing the method of determining a member's three-year average covered wage to a calculation based on the member's highest 12 consecutive quarters of service is changed from July 1, 2005, to July 1, 2008.
3. An inactive member of IPERS does not become vested under IPERS solely by reaching age 55 as of July 1, 2005.

4. IPERS is permitted to waive the collection of benefits overpayments, contribution underpayments, or debts owed the system, if they occurred more than three years before the overpayment, underpayment or debt is discovered if there is no evidence of fraud or misconduct.
5. Wage reporting under IPERS is amended relating to the issue of whether wages reported appear to be a distortion of the normal wage progression pattern for an employee. The change defines this distortion as an increase of 10 percent or more between wages reported for any two consecutive years. The change permits IPERS to adjust or reallocate a member's wages if the distortion of the normal wage progression resulted from covering compensation that is excluded from the definition of covered wages or from a change in the schedule of wage payments for an individual.
6. If IPERS believes a person may have engaged in fraud, IPERS is permitted to refer the matter to the Auditor of State and to the appropriate law enforcement authorities.
7. The payment of a retirement allowance, or adjusted retirement allowance, under IPERS is amended to eliminate the ability of an IPERS member to request and obtain up to six months of retroactive payments of an allowance. Instead, payments are only made once an application for an allowance, or adjustment of an allowance, is made to the system.
8. The payment of IPERS allowances to members and members who are reemployed, relating to the disposition of smaller and inactive accounts, is changed. The Act provides that if an annual retirement benefit would be less than \$600, the payment must be in a lump sum equal to the sum of the member's and employer's accumulated contributions. In addition, effective no later than July 1, 2006, if the accumulated contributions of a member who has had a five-year break in service or is deceased are less than \$3,000, that amount shall be paid to the member, or the member's beneficiary, in full satisfaction of the member's claims under IPERS. A member or beneficiary has 60 days to repay the distribution and regain rights under IPERS. Finally, retired reemployed members who fail to annuitize or receive a lump sum distribution of their reemployment account balance within one year after terminating the reemployment if the increase in the member's retirement allowance based on this amount would be less than \$600 per year shall be given a mandatory distribution of the member's and employer's accumulated contributions not used in the calculation of the member's retirement. A member has 60 days to repay the distribution and regain rights under IPERS.
9. Beginning July 1, 2005, IPERS will charge a processing fee to members who elect to receive paper warrants in lieu of electronic deposits of their IPERS retirement allowance. IPERS is given the authority to waive the fee for good cause.
10. New Code Section 97B.49 provides for the handling of dormant accounts. The new section provides that if any retirement allowance, death benefit, or other payment remains unpaid solely by reason of the inability of the system to locate the appropriate payee, the amount payable shall not be forfeited but shall be treated as a dormant account after the time for making a claim has run.
11. Airport fire fighters employed by the Military Division of the Department of Public Defense are transferred from the sheriffs and deputy sheriffs' category under IPERS to the protection occupation category.
12. The benefits and contribution calculations for the sheriffs and deputy sheriffs' category under IPERS is changed. The Act permits retirement at age 50 instead of age 55 if the sheriff or deputy has at least 22 years of service. This change is phased in over five years. In addition, the calculation of contributions payable for the sheriffs' category under IPERS is amended to provide that the cost of benefits provided for members shall be paid on a 50-50 basis by employee members and employers. Under current law, the cost of benefits is paid 60 percent by the employer and 40 percent by the employee member.
13. IPERS death benefit provisions are changed to provide that the option of receiving an IPERS preretirement death benefit, which is the actuarial present value of the member's accrued IPERS benefit, is only available to a beneficiary of an inactive member if the inactive member had at least 16 quarters of service credit.
14. Bona fide retirement requirements under IPERS are amended to provide that a person who first receives a retirement allowance under IPERS on or after July 2004, but before July 2006, may return to covered employment as a licensed health care professional by a public hospital after having qualified for one calendar month of retirement benefits and still receive retirement benefits. Under current law, a person must wait four months to return to employment covered by IPERS in order to continue receiving a retirement allowance. In addition, both IPERS and the Iowa Hospital Association are required to submit a report to the General Assembly by December 1, 2006, concerning this provision of the Act.
15. The Act amends a provision in the 2002 Iowa Acts applicable to IPERS that provided that an IPERS member who was furloughed between January 1, 2002, and June 30, 2003, could have the member's covered wage for purposes of determining IPERS retirement benefits recalculated based upon the salary the member would have received if the member had not been furloughed, if the member pays an amount to IPERS equal to the employer and employee contributions that would have been made on that portion of the salary lost due to the furlough. The Act allows

members who exercised bumping rights and took a lower paid position in lieu of a layoff to be covered by this provision and also expands the period of time covered by this special provision to June 30, 2005. This section of the Act is retroactively applicable to January 1, 2002.

STATEWIDE FIRE AND POLICE RETIREMENT SYSTEM. The Act contains the following provisions relating to MFPRSI:

1. The physical exam for applicants for appointment to the positions covered under MFPRSI may include a test for HIV (AIDS).
2. The amount medical providers may charge for providing copies of medical records in connection with an application by a member for a disability under MFPRSI shall not exceed the reasonable cost of producing the records.
3. The Act allows a rollover of a member's account into an annuity contract or other eligible plan and permits nontaxable amounts to be rolled over into an eligible retirement plan.
4. The interest rate assumption adopted by the system, and not the court judgment and decree interest rate provided in Code Section 535.3, shall be used in calculating the system's subrogation amount.
5. Portability of service between membership in PORS and MFPRSI is amended in the same manner as was done under the PORS chapter.
6. City membership on the MFPRSI board is modified to provide that the population cutoff for small city (one member) and large city (three members) membership is decreased from 40,000 to 30,000.

JUDICIAL RETIREMENT SYSTEM. The Act contains the following provision relating to the Judicial Retirement System:

The Act establishes a special vesting provision which allows judges with at least four years of service as of April 26, 2004, to be deemed to have six years under the judicial retirement system for purposes of obtaining retirement benefits as a vested member of the system. A judge who leaves service prior to vesting receives only the contributions the judge made to the system during that service.

HOUSE FILE 2452 - Athletic Training — Licensure Requirements

BY COMMITTEE ON STATE GOVERNMENT. This Act provides that an individual engaged in the practice of athletic training must obtain a license pursuant to the provisions of Code Chapter 152D, Athletic Training. Previously, such individual had the option of utilizing the title of "athletic trainer" by becoming licensed, but licensure was not mandated.

The Act provides for new or revised definitions of terms utilized in Code Chapter 152D, and provides that "athletic training" includes the organization and administration of educational programs and athletic facilities and the education and counseling of the public on matters relating to athletic training.

The Act deletes provisions relating to requirements which must be fulfilled by out-of-state applicants for a license, and provides that application and renewal procedures, fees, and reciprocal agreements relating to a license to practice athletic training shall be established by rule by the Board of Athletic Training Examiners. The Act also provides that persons specified in Code Chapter 152D who are otherwise licensed to practice another profession shall not be considered to be practicing athletic training provided that they do not represent themselves to the public as athletic trainers. The Act additionally provides that an athletic trainer who is in the state temporarily with an individual or group that is participating in an athletic event and who is licensed, certified or registered by another state or country, or certified as an athletic trainer by the Board of Certification of the National Athletic Trainers Association or its successor organization, shall not be subject to the licensing requirements of Code Chapter 152D.

The Act provides that an individual who is a licensed athletic trainer may use the letters "LAT," and that it is unlawful to engage in the practice of athletic training, or use titles or abbreviations specified in the Act, unless an individual is licensed to do so. The Act changes the penalty provisions for a violation of the chapter from a simple to a serious misdemeanor, and provides for temporary licensure for individuals who have not passed a licensure examination administered or approved by the Board of Athletic Training Examiners by July 1, 2004. Such individuals shall be issued a temporary license for the three-year period commencing July 1, 2004, if specified requirements are satisfied, and an applicant issued such a temporary license must pass the examination on or before July 1, 2007, in order to remain licensed.

HOUSE FILE 2467 - lowAccess Advisory Council — Quorum

BY COMMITTEE ON STATE GOVERNMENT. This Act provides that a majority of the voting members of the lowAccess Advisory Council constitutes a quorum to conduct business. Currently, Code Section 17A.2, which automatically sets a quorum requiring no less than two-thirds of the members eligible to vote, applies to establishing a quorum for the council.

HOUSE FILE 2497 - State Government Employment — Sick Leave and Vacation Incentive Program — Employee Supervision
BY COMMITTEE ON STATE GOVERNMENT. This Act establishes a 2004 Sick Leave and Vacation Incentive Program for eligible employees of the executive branch of the state who agree to terminate from state employment. The program, which shall be administered by the Department of Administrative Services, is essentially similar to the program offered state employees during FY 2001-2002 and FY 2002-2003. The Act also requires the Legislative Council to offer a similar program to legislative branch employees.

The Act permits eligible executive branch employees for which the sum of the number of years of credited service under the Iowa Public Employees' Retirement System (IPERS) and the Public Safety Peace Officers' Retirement, Accident, and Disability System (PORS) and the employee's age as of December 31, 2004, equals or exceeds 75 to separate from service with the state and receive a sick leave and vacation incentive benefit payable in five fiscal years beginning with the fiscal year that ends on June 30, 2005. The incentive benefit is equal to the employee's unused vacation plus the lesser of an amount equal to 75 percent of the employee's regular annual salary or an amount equal to 75 percent of the value of the employee's sick leave. To receive the incentive benefit, an eligible employee must submit an application to participate in the program by May 21, 2004, separate from state employment on or after July 2, 2004, but no later than August 12, 2004, acknowledge the employee's ineligibility to return to permanent part-time or permanent full-time employment with the state, and waive any claims to unused sick leave or vacation balances otherwise payable upon termination of employment. Employees who participate in the program are eligible to continue to participate in group insurance coverage from the state in the same manner as employees who retire from state employment. The Act also permits release of IPERS records for the purpose of monitoring and administering the Sick Leave and Vacation Incentive Program. The Act also establishes a goal of increasing the ratio of employees per supervisor to 12 to 1 by December 31, 2005, for executive branch agencies.

The Act takes effect April 2, 2004.

HOUSE FILE 2520 - Government Purchasing Procedures — Iowa-Based Products and Services

BY COMMITTEE ON ECONOMIC GROWTH. This Act relates to purchasing preferences for Iowa-based products and services.

The Act provides that all requests for proposals for materials, products, supplies, provisions, and other needed articles and services to be purchased at public expense shall not knowingly be written in such a way as to exclude an Iowa-based company from submitting a proposal.

TAXATION

- SENATE FILE 2026** - Sales and Use Tax on Gas, Electricity, and Fuel — Exemption for Residential Customers
- SENATE FILE 2121** - Sales and Use Tax Exemption for Environmental Test Laboratory Services — VETOED BY THE GOVERNOR
- SENATE FILE 2295** - School Tuition Organization Tax Credit — VETOED BY THE GOVERNOR
- SENATE FILE 2296** - Administration of Tax Policy and Related Internal Revenue Code Revisions
- SENATE FILE 2303** - Income Tax Deduction for Private 529 Plans — VETOED BY THE GOVERNOR
- S.J.R. 2010** - Proposed Constitutional Amendment — Tax or Fee Increases
- HOUSE FILE 401** - Property Rehabilitation Projects — Certification of Completion Procedures — Tax Credits
- HOUSE FILE 2553** - Iowa Educational Savings Plan Trust Revisions

RELATED LEGISLATION

- SENATE FILE 443** - Investments in Community-Based Seed Capital Funds or Qualifying Businesses
SEE ECONOMIC DEVELOPMENT. This Act relates to investments in qualifying businesses and community-based seed capital funds.
- SENATE FILE 2112** - Appropriations — Transportation
SEE APPROPRIATIONS. This Act amends provisions relating to the administration of revenues derived from the income tax checkoff for the Keep Iowa Beautiful Fund.
- SENATE FILE 2167** - Descent and Distribution of Property — Disclaimers of Powers, Rights, or Interests in Property and Medical Assistance Benefits Recovery
SEE CIVIL LAW, PROCEDURE & COURT ADMINISTRATION. This Act relates to the Iowa Probate Code, including provisions relating to estate recovery of medical assistance benefits and trusts. The Act also creates the Iowa Uniform Disclaimer of Property Interest Act, which applies to disclaimers of any interest in or power over property, and includes disclaimers used for estate and gift tax planning purposes.
- SENATE FILE 2187** - Municipal Utilities and Local Exchange Services
SEE ENERGY & PUBLIC UTILITIES. This Act provides that the sales price of communication services furnished by a municipally owned public utility is not exempt from sales tax.
- SENATE FILE 2217** - Cattle Industry Promotion, Education, and Research — Assessments on Cattle Sales
SEE AGRICULTURE. This Act amends Code Chapter 181, which provides for an excise tax (checkoff) on the sale of cattle to support cattle production and the marketing, education and research of beef products as administered by the executive committee of the Iowa Beef Cattle Producers Association. The Act takes effect April 7, 2004.
- SENATE FILE 2290** - Economic Development Incentives — New Jobs and Income, New Capital Investment, and Enterprise Zone Programs
SEE ECONOMIC DEVELOPMENT. This Act amends the sales, services and use tax refund under the New Jobs and Income Program to provide that an eligible business under the program shall be entitled to a refund for taxes attributable to the purchase of racks, shelving, and conveyor equipment to be used in a warehouse or distribution center. The Act creates a corporate tax credit for an eligible business or a supporting business under the New Jobs and Income Program or under the New Capital Investment Program. The tax credit amount is equal to the sales, services and use taxes paid by a third-party developer in the construction or equipping of a facility. The Act takes effect March 17, 2004.
- SENATE FILE 2291** - Development and Rehabilitation of Real Property — Local Government Activities
SEE LOCAL GOVERNMENT. This Act relates to a local government's authority to encourage development and rehabilitation of certain real property by allowing alternative urban revitalization property tax exemption schedules for abandoned property that has been rehabilitated, by allowing a city to purchase delinquent property taxes on residential property for use as any type of

residential property, and by shortening the redemption period for redemption of delinquent property taxes sold to a city for use as housing.

SENATE FILE 2298

- Government Funding, Administration, and Regulation — Appropriations and Miscellaneous Changes

SEE APPROPRIATIONS. Division X of this Act changes the time period during which project costs could be incurred for purposes of the property rehabilitation tax credit and makes changes with regard to the local option sales and services tax for school infrastructure purposes.

Division XV exempts from the state sales and use taxes the lease or rental of certain building and construction machinery and equipment and specifies that the sales of such items are not exempt when purchased for resale other than those purchased for lease or rental.

Division XVI extends the due date for the prepayment of insurance premiums taxes by insurance companies and county and state mutual insurance associations.

Division XX provides a wind energy production tax credit based upon the amount of electricity sold which is produced by an electrical production facility that uses wind to produce the electricity. The tax credit may be used to offset the tax liability under the individual or corporate income tax, franchise tax, or insurance premiums tax.

Division XXII amends provisions relating to the administration of the income tax checkoff for the Keep Iowa Beautiful Fund and establishes an income tax checkoff for the Volunteer Fire Fighter Preparedness Fund.

Division XXIII repeals the section of 2003 Iowa Acts, Chapter 1, which created the Property Tax Implementation Committee.

HOUSE FILE 2207

- Substantive Code Corrections

SEE STATE GOVERNMENT. This Act contains statutory corrections that adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities. Changes made include changes to provisions regarding programs and institutions governed by the Department of Administrative Services, the Department of Revenue, and their predecessor agencies; sales conducted by the Legislative Services Agency; and property tax assessment.

HOUSE FILE 2302

- Gambling — Miscellaneous Changes

SEE GAMING. This Act makes several changes to provisions governing gambling in Iowa, including the operation, licensure, regulation, fee assessment, and taxation of racetracks, excursion gambling boats, and gambling games. Regarding taxation, the Act establishes new tax rates on adjusted gross receipts over \$3 million received from gambling games from excursion gambling boats and racetracks. The current effective 20 percent rate is modified to 22 percent for excursion gambling boats and 22 or 24 percent for racetracks depending on whether another licensee is located in the same county, whether the racetrack has a table games license and is operating table games, and whether the racetrack's adjusted gross receipts are less than or more than \$100,000. The Act also requires racetracks to pay 22 or 24 percent depending on whether the racetrack's adjusted gross receipts are less than or more than \$100,000 for the fiscal years beginning July 1, 2002, and July 1, 2003. The Act also establishes new fees for issuance of a table games license to racetracks conducting gambling games, provides for issuance of any new licenses to operate an excursion gambling boat, and requires that two assessments on current excursion gambling boats be paid on June 1, 2005, and June 1, 2006.

HOUSE FILE 2347

- Uniform Limited Partnership Act

SEE BUSINESS, BANKING & INSURANCE. This Act is based on an updated version of the Uniform Limited Partnership Act, approved by the National Conference of Commissioners on Uniform State Laws in 2002. The Act creates a new Code Chapter 488 to replace Code Chapter 487. The Act includes a schedule of fees to be paid to the Secretary of State when filing or receiving documents.

HOUSE FILE 2381

- County Hospital Budget Certification

SEE LOCAL GOVERNMENT. This Act changes from March 1 to March 15 the budget certification deadline for county hospital budgets.

- HOUSE FILE 2431** - Educational Institutions Under University-Based Research Utilization Program
SEE ECONOMIC DEVELOPMENT. This Act relates to eligibility for a tax credit under the University-Based Research Utilization Program.
- HOUSE FILE 2541** - Utility Replacement Taxes
SEE ENERGY & PUBLIC UTILITIES. This Act amends provisions of Code Chapter 437A to add to the definition of “major addition” to include acquisition of electric transmission operating property of more than \$1 million and the date for reporting estimated replacement taxes to the Department of Revenue.
- HOUSE FILE 2544** - Real Estate Records and Transactions
SEE LOCAL GOVERNMENT. This Act broadens the \$5 fee collected by the county auditor for each property transfer.
- HOUSE FILE 2557** - Securities Regulation
SEE BUSINESS, BANKING & INSURANCE. This Act provides for the regulation of securities by revising Code Chapter 502, Iowa’s “Blue Sky Law,” including providing for fees. The Act takes effect January 1, 2005.
- HOUSE FILE 2561** - Job Corps Center New Jobs Tax Credit — VETOED BY THE GOVERNOR
SEE ECONOMIC DEVELOPMENT. This bill would have created a Job Corps Center New Jobs Tax Credit to be used against personal or corporate income tax liability.
- HOUSE FILE 2567** - Transportation and Disposal of Dead Animals
SEE AGRICULTURE. This Act provides for the transportation and rendering of animal carcasses by persons licensed by the Department of Agriculture and Land Stewardship and provides for related fees.
- HOUSE FILE 2581** - Miscellaneous Economic Development, Taxation, Regulatory, and Employment-Related Changes — EXTRAORDINARY SESSION
SEE ECONOMIC DEVELOPMENT. Division IX of the Act makes additions to the individual and corporate income taxes to couple with the changes made in federal legislation that increases the allowance for expensing certain depreciable assets and that allows a federal bonus depreciation of 50 percent for property acquired after May 5, 2003, and before January 1, 2005. The coupling with the increase in expensing allowance is retroactively applicable to tax years beginning on or after January 1, 2003. The coupling with the 50 percent bonus depreciation applies retroactively to tax years ending after May 5, 2003. The Act takes effect September 7, 2004.

TAXATION

SENATE FILE 2026 - Sales and Use Tax on Gas, Electricity, and Fuel — Exemption for Residential Customers

BY COMMITTEE ON WAYS AND MEANS. This Act sets the state sales and use tax rates on gas, electricity and fuel for residential customers as follows: 2 percent for the second half of the 2004 calendar year; 1 percent for the 2005 calendar year; and 0 percent, total state exemption, for the 2006 and subsequent calendar years. The Act continues the present phaseout of the sales and use tax rates that began January 1, 2002, with a rate of 4 percent.

SENATE FILE 2121 - Sales and Use Tax Exemption for Environmental Test Laboratory Services — VETOED BY THE GOVERNOR

BY COMMITTEE ON WAYS AND MEANS. This bill would have exempted from the sales and use taxes the furnishing of environmental test laboratory services, including field testing services and mobile environmental test laboratories.

SENATE FILE 2295 - School Tuition Organization Tax Credit — VETOED BY THE GOVERNOR

BY COMMITTEE ON WAYS AND MEANS. This bill would have provided for an individual income tax credit equal to 75 percent of the voluntary contributions made to a school tuition organization that is exempt from federal income tax. The tax credit would be limited to \$700 for single individuals and \$800 for married persons filing jointly. If married individuals filed separately, the \$800 would have been divided between them based upon each individual's net income. The bill required the organization to use at least 90 percent of total contributions to provide educational scholarships or tuition grants to children attending nonpublic elementary or secondary schools or preschools for disabled students that are accredited under state law and adhere to the federal Civil Rights Act of 1964 and the state Civil Rights Law.

The bill would have applied to tax years beginning on or after January 1, 2005, but before January 1, 2013.

SENATE FILE 2296 - Administration of Tax Policy and Related Internal Revenue Code Revisions

BY COMMITTEE ON WAYS AND MEANS. This Act amends various tax provisions of state law to do the following:

1. Update the Iowa Code references to the state research activities credit for individuals, corporations, corporations in economic development areas, and corporations in quality jobs enterprise zones to include the 2003 federal changes in the research activities credit.
2. Permit the Department of Revenue to appeal decisions of the State Board of Tax Review to district court.
3. Amend the administrative levy and the administrative wage assignment, which apply to the debtors of the state, as follows:
 - ? Limit recovery by a debtor in district court when a wrongful administrative levy or wage assignment is alleged and limit the ability of a debtor to litigate administrative levies and wage assignments.
 - ? Specify that a challenge to an administrative levy or administrative wage assignment will result in the facts of the levy or assignment being reviewed and not the amount or validity of the tax.
 - ? Provide that the administrative levy remedy is cumulative and that the election to use such remedy does not forestall the use of any other remedy provided by law.
 - ? Provide more uniformity between the administrative wage assignment statute and the administrative levy statute and reflect actual practice.
4. Exclude from gross receipts for sales and use tax purposes trade discounts given or allowed by manufacturers, distributors or wholesalers to retailers or payments made by such persons to retailers to reduce the sales price of such persons' products. The exclusion takes effect April 14, 2004, and is retroactive to January 1, 1997, with refunds arising from such retroactivity limited to \$25,000. Claims for refunds must be filed prior to October 1, 2004. The exclusion does not apply to coupons issued to consumers.
5. Give priority to the Department of Revenue and, in certain instances, to local jurisdictions in the collection of taxes by treating them as trust fund taxes.
6. Define "sales price" to include rents, royalties, and copyright and license fees.
7. Clarify that it is the Legislative Services Agency and not the Legislative Service Bureau that is not a retailer for purposes of sales under the sales and use taxes. This means sales by the agency are exempt from such taxes.
8. Expand the exemption from the sales and use taxes of molding and sand handling machinery and equipment to include replacement parts and the costs of utilities and installation costs associated with such machinery and equipment.
9. Place the exemption from Iowa sales and use tax applicable to the reciprocal shipment of wine contained in Code Section 123.187 in the sales and use taxes chapter of the Code.

10. Require the owner of Section 42 property under the Internal Revenue Code to notify the assessor when the property is withdrawn from the Internal Revenue Code program. A monetary penalty of \$500 is also included if this notification is not forthcoming.
11. Provide that an inheritance tax return is not required to be filed if all property is passed to an exempt entity. Iowa law currently requires estates of \$25,000 or more to file a return regardless of to whom the property passes. In the case where a return is not required to be filed and the estate involves real property, an affidavit of such fact must be filed.
12. Extend from 30 to 60 days the period of time the Director of Revenue has to request an appraisal after an inheritance tax return is filed.
13. Impose a penalty against any person found to have altered a cigarette tax stamp.
14. Extend the statute of limitations for cigarette and tobacco tax audits and imposition of penalties for various violations from two to three years. This three-year period is consistent with all other taxes.
15. Increase the penalty for possessing more than 2,000 unstamped cigarettes (10 cartons).
16. Make it unlawful to ship or import into Iowa or sell, distribute or possess counterfeit cigarettes and allow for the confiscation and destruction of those cigarettes. "Counterfeit cigarettes" are cigarettes that are marked in such a manner that would lead someone to believe the cigarettes were of a specific known brand or manufacturer, though the markings are false or otherwise used without the consent of the cigarette manufacturer.
17. Place restrictions on manufacturers, distributors, wholesalers, and retailers in providing cigarette samples to the public.
18. Repeal the requirement that two voter registration forms be inserted in each individual income tax instruction booklet every other year. In addition, the official electronic Iowa voter registration form and a link to the Secretary of State's website are to be placed on the Department of Revenue's official website.

SENATE FILE 2303 - Income Tax Deduction for Private 529 Plans — VETOED BY THE GOVERNOR

BY COMMITTEE ON WAYS AND MEANS. This bill would have allowed for an individual income tax deduction for contributions made to a qualified tuition program established by one or more educational institutions pursuant to Section 529 of the federal Internal Revenue Code (529 Plan). The program is the counterpart to the Iowa Educational Savings Plan Trust (state program under the 529 Plan) and the bill would have allowed a taxpayer to make contributions to a trust set up in the name of a designated beneficiary to pay the costs associated with higher education. The amount that would have been deducted is the maximum amount that may be deducted for contributions to the state program (\$2,000, to be adjusted for inflation) less any amount that had been deducted for the tax year for contributions to the state program.

The bill would also have provided that any refunds or withdrawals made which the taxpayer receives and which are not used for qualified tuition costs would be included in income to the extent previously deducted.

The bill would have applied retroactively to January 1, 2004, for tax years beginning on or after that date.

SENATE JOINT RESOLUTION 2010 - Proposed Constitutional Amendment — Tax or Fee Increases

BY COMMITTEE ON WAYS AND MEANS. This Joint Resolution proposes an amendment to the Constitution of the State of Iowa requiring that certain tax or fee increases will not take effect unless approved by majority vote at a state general election.

The amendment requires that a law or laws increasing any taxes or fees that would result in new annual revenue of more than 1 percent of total State General Fund revenue received in the fiscal year preceding enactment of the law or laws must receive voter approval at a state general election. The amendment defines "new annual revenue" and "increase."

The amendment allows the General Assembly, at the Governor's request and by two-thirds vote, to increase taxes in emergency situations.

The amendment allows any citizen or taxpayer to bring suit to enforce compliance with the voter approval requirement within two years of adoption of a tax or fee increase. The amendment also provides that the General Assembly shall enact laws to implement the amendment.

The Joint Resolution will be referred to the next General Assembly. If the next General Assembly adopts the Joint Resolution, the amendment will be submitted to the voters for ratification.

HOUSE FILE 401 - Property Rehabilitation Projects — Certification of Completion Procedures — Tax Credits

BY COMMITTEE ON ECONOMIC GROWTH. This Act gives the responsibility to the Department of Cultural Affairs to establish by administrative rule the procedures for the application, review, selection, and awarding of certificates of comple-

tion of property rehabilitation projects for which tax credits under the individual and corporate income, franchise, and insurance premiums taxes would be available.

HOUSE FILE 2553 - Iowa Educational Savings Plan Trust Revisions

BY COMMITTEE ON WAYS AND MEANS. This Act makes several technical and substantive changes regarding operation of the Iowa Educational Savings Plan Trust pursuant to Code Chapter 12D.

The Act eliminates the endowment fund previously established pursuant to Code Section 12D.4 and eliminates provisions establishing a penalty assessed by the Treasurer of State for cancellation of a participation agreement. The inclusion of penalty provisions had previously been required in order for plan qualification pursuant to Section 529 of the Internal Revenue Code, but is no longer necessary due to the incorporation of such provisions in federal tax legislation. The Act further eliminates age restrictions that limited plan participation to individuals establishing an account for a child prior to the child's attainment of age 18. Such restrictions are not required for plan qualification pursuant to Section 529 of the Internal Revenue Code. Consistent with the elimination of beneficiary age restrictions, the Act additionally eliminates a provision providing for a refund of the balance remaining in a participant's account after the 30-day period following the beneficiary's 30th birthday.

The Act also adjusts plan provisions intended to promote clarity or increase flexibility. The Act adds a provision to the definition of "higher education costs," providing that such costs include, in the case of a special needs beneficiary, expenses for special needs services incurred in connection with enrollment or attendance at an institution of higher education. The Act allows payments to be made by the Treasurer of State not only to institutions of higher learning, but also to the participant and the beneficiary of the plan. The Act eliminates the current minimum contribution limit of \$50 per year and deletes provisions that limited participation to individuals, thereby authorizing participation by entities such as trusts or estates. Additionally, the Act provides that refunds to participants made upon the termination of participation agreements can include or extend to a partial nonqualified distribution.

The Act also provides intent language regarding the establishment by the Treasurer of State of an additional educational savings plan option. The Act provides that the additional option shall be marketed through licensed securities agents, who may be compensated from the product distributor, fund company, insurance company, or other distribution agent for their activities in marketing and advising investors regarding the program. The Act provides that the additional option shall be established by December 31, 2005.

The Act takes effect April 15, 2004.

TRANSPORTATION

- SENATE FILE 2066** - Motor Vehicle Safety — Child Restraint Systems
- SENATE FILE 2070** - Motor Vehicle Regulations and State Transportation Department Duties and Activities
- HOUSE FILE 2433** - Issuance of Driver's Licenses and Nonoperator Cards — Fees Retained by Counties

RELATED LEGISLATION

- SENATE FILE 297** - Snowmobile and All-Terrain Vehicle Regulation
SEE NATURAL RESOURCES & OUTDOOR RECREATION. This Act contains provisions regulating the operation of snowmobiles and all-terrain vehicles, including limitations on the lawful operation of snowmobiles and all-terrain vehicles on or across highways and railroad rights-of-way.
- SENATE FILE 2112** - Appropriations — Transportation
SEE APPROPRIATIONS. This Act makes appropriations from the Road Use Tax Fund and the Primary Road Fund to the Iowa Department of Transportation and amends provisions relating to the administration of revenues derived from the income tax checkoff for the Keep Iowa Beautiful Fund.
- SENATE FILE 2118** - Public Utilities — Public Road Rights-of-Way
SEE ENERGY & PUBLIC UTILITIES. This Act provides that a public utility may construct, operate, repair, or maintain the utility's facilities within a public road right-of-way if the facility does not interfere with the public use of the road.
- SENATE FILE 2148** - Motor Fuel Theft — VETOED BY THE GOVERNOR
SEE CRIMINAL LAW, PROCEDURE & CORRECTIONS. This bill would have added driver's license suspension as a sentencing option for theft of motor fuel from a retail dealer.
- SENATE FILE 2154** - Failure to Obey School Bus Warning Devices — Citations
SEE CRIMINAL LAW, PROCEDURE & CORRECTIONS. This Act provides that a citation for failure to obey a school bus warning device shall be issued to the owner of the motor vehicle involved in the violation if the identity of the driver cannot be determined.
- SENATE FILE 2253** - Motor Vehicle Ownership Transfers — Damage Disclosure Requirements
SEE BUSINESS, BANKING & INSURANCE. This Act amends provisions relating to damage disclosure requirements for transfer of ownership of a motor vehicle.
- SENATE FILE 2284** - Regional Transit Districts
SEE LOCAL GOVERNMENT. This Act authorizes the creation, by Code Chapter 28E agreement, of a regional transit district in a county with a population in excess of 300,000 or in one or more contiguous counties and in certain cities if one of the counties has a population in excess of 300,000. Division XVI of S.F. 2298 (see Appropriations) amended this Act to lower the county population threshold to 175,000.
- SENATE FILE 2288** - Federal Block Grant Appropriations
SEE APPROPRIATIONS. This Act appropriates federal block grant and other nonstate moneys to state agencies for the federal fiscal year beginning October 1, 2004, and ending September 30, 2005. The Act appropriates federal funding and other nonstate funding made available to the state for transportation programs.
- SENATE FILE 2289** - Records and Fees Administered by County Treasurer
SEE LOCAL GOVERNMENT. This Act makes various changes relating to the duties of county treasurers, including the correction of information on certain motor vehicle documents presented to the treasurer; issuance of new certificates of title for valueless mobile, modular or manufactured homes; and payment of annual vehicle registration fees. The Act also increases the fee charged for notation of a security interest on a certificate of title.

- SENATE FILE 2298** - Government Funding, Administration, and Regulation — Appropriations and Miscellaneous Changes
SEE APPROPRIATIONS. Division XVI of this Act modifies the Regional Transit District Law in S.F. 2284 (see Local Government); requires the Iowa Department of Transportation (IDOT) to adopt rules relating to railroad employees' access to first aid and medical treatment; and increases the special motor vehicle plates and registration fees for special natural resources plates.
Division XXII makes changes relating to Iowa individual income tax checkoffs. The division reenacts the Keep Iowa Beautiful Checkoff and the Keep Iowa Beautiful Fund. Moneys in the fund are awarded by IDOT to applicants who submit a plan for litter prevention, improving waste management and recycling efforts, or a beautification project.
- HOUSE FILE 2207** - Substantive Code Corrections
SEE STATE GOVERNMENT. This Act contains statutory corrections that adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities. Changes made include changes to provisions relating to manufactured and mobile homes, the crime of abandonment of a vehicle, and scheduled violations for certain traffic offenses.
- HOUSE FILE 2394** - Driver Education Instruction by Teaching Parent — VETOED BY THE GOVERNOR
SEE EDUCATION. This bill would have allowed a parent who is providing private instruction to a student at least 14 years of age to instruct the student in a driver education course approved by the Iowa Department of Transportation.

TRANSPORTATION

SENATE FILE 2066 - Motor Vehicle Safety — Child Restraint Systems

BY COMMITTEE ON TRANSPORTATION. This Act relates to requirements for securing children being transported in motor vehicles other than school buses or motorcycles.

The Act requires that a child under one year of age and weighing less than 20 pounds be secured in a rear-facing child restraint system that meets federal safety standards and is used in accordance with the manufacturer's instructions. A child under the age of six must be secured by a child restraint system, and a child who is at least six but less than 11 years of age must be secured by either a child restraint system or a safety belt or safety harness. Iowa law currently requires that a child under age three be secured by a child restraint system and a child at least three but under six years of age be secured by a child restraint system or a safety belt or safety harness.

A violation of child restraint requirements is a simple misdemeanor punishable by a scheduled fine of \$25. However, the Act provides for a phase-in of the new law. During the 18 months beginning July 1, 2004, peace officers shall issue only warning citations for violations of the new requirements, provided the motor vehicle operator is, at a minimum, in compliance with the child restraint or safety belt or safety harness requirements in effect prior to July 1, 2004. Peace officers may continue to issue citations for violations of the prior law during that period.

The Act requires the Iowa Department of Transportation, in cooperation with the Department of Public Safety, to engage in a public education effort regarding the new child restraint requirements. Contingent upon the availability of funding, the two departments must make a reasonable effort to identify existing state and local programs that provide assistance to low-income families and to coordinate efforts with those programs to assist Iowa parents, particularly those with more than three children under age 11, to comply with the new child restraint requirements.

SENATE FILE 2070 - Motor Vehicle Regulations and State Transportation Department Duties and Activities

BY COMMITTEE ON TRANSPORTATION. This Act makes technical and substantive changes to Code provisions regulating the registration and titling of motor vehicles and to provisions governing miscellaneous administrative duties of the Iowa Department of Transportation (IDOT). Many of the amendments in the Act are associated with the transition to electronic methods of doing business at the state and county levels, and those provisions, which constitute the major portion of the Act, are effective January 1, 2005.

The Act expands IDOT's authorization to develop and implement electronic procedures for commercial vehicle registration and titling to include all motor vehicles. Several Code sections are amended relating to registration and titling of motor vehicles to allow for acceptance of electronic signatures. In addition, requirements for information establishing the identity and address of the applicant and any person with an interest in the vehicle on an application for registration and certificate of title are modified.

The Act updates procedures applicable to IDOT and county treasurers for processing security interests in motor vehicles in order to accommodate electronic transactions. Redundant amendments enacted in 2003 Iowa Acts, Chapter 8, which were to become effective on July 1, 2004, are repealed and replaced in this Act, and the repeal of Code Section 321.50, subsection 6, relating to the deadline for delivery of a certificate of title to the county treasurer to record a security interest, is delayed until January 1, 2005. Code provisions requiring the notation and recording of security interests in motor vehicles are amended to specify that delivery constitutes perfection of a security interest. If the delivery of the security interest is by electronic means, the time of delivery is to be recorded along with the date on all subsequent documents and records. Requirements for an application for a security interest are amended to include the federal identification number or social security number of the secured party. The Act authorizes IDOT to issue a certificate of title for a vehicle with an unreleased security interest upon presentation of satisfactory evidence that a security interest has been extinguished and the holder of the security interest cannot be located.

Current law providing for the issuance of refunds by IDOT or a county treasurer is amended to prohibit the refund of fees collected for a replacement title.

As a result of the transition to electronic recordkeeping by IDOT, several Code provisions are amended to strike the requirement that the current registration receipt be surrendered along with current registration plates upon receipt of special registration plates.

The Act allows stolen vehicle reports from the National Motor Vehicle Title Information System to be included in the state's file of stolen or embezzled vehicles and allows for electronic notification of recovered vehicles.

The Act allows IDOT to publish certain documents electronically, including pamphlets of statutes and rules furnished to county treasurers, drunk driving educational materials, and rules and regulations relating to motor vehicle dealers, manufacturers and distributors. In addition, forms may be supplied to county treasurers electronically, and county treasurers may submit forms and reports, including monthly statements of fees and penalties, to IDOT electronically. A current statement of motor vehicle retail list prices and weights is to be maintained by IDOT, rather than updated annually, and may be distributed electronically.

The Act requires IDOT to adopt rules to provide for the waiver of late penalties for overdue motor vehicle registrations for owners who are in the military service of the United States and are activated and relocated on or after September 11, 2001. This provision takes effect March 29, 2004.

The Act amends commercial driver licensing provisions to stipulate that an applicant for a hazardous material endorsement on a commercial driver's license must comply with application and security threat assessment requirements established in federal law. IDOT is required to revoke or deny the endorsement if the applicant has not complied with the federal security threat assessment standards. This provision takes effect March 29, 2004.

The Act strikes requirements that a copy of the registration receipt be provided by an applicant for a registration fee credit or refund. In addition, the Act allows a qualified fleet owner, to be defined by IDOT in rules, to certify the destruction of registration plates for motor vehicles subject to proportional registration that are removed from the fleet, rather than return the plates to the department when applying for a refund. These provisions take effect March 29, 2004.

The Act amends the definition of "electric personal assistive mobility device" to clarify that devices such as wheelchairs which are needed by a person with a disability are not within the purview of Iowa statutes regulating electric personal assistive mobility devices on sidewalks and bikeways and prohibiting their use on highways. This provision takes effect March 29, 2004.

HOUSE FILE 2433 - Issuance of Driver's Licenses and Nonoperator Cards — Fees Retained by Counties

BY COMMITTEE ON TRANSPORTATION. This Act increases the portion of the fee retained by a county treasurer for the issuance or renewal of driver's licenses and nonoperator's identification cards from \$5 to \$7 per transaction. A temporary increase in the portion retained from \$3.75 to \$5 was effective on July 1, 2003, and due to expire on July 1, 2005. The Act repeals that expiration provision.

The Act requires the Auditor of State, in consultation with the Iowa Department of Transportation (IDOT) and the Iowa County Treasurers Association, to conduct a study of the fiscal impact of the county driver's license issuance program and report its findings and recommendations to the General Assembly by January 1, 2006. The study shall be paid for by IDOT and shall compare costs for the issuance of driver's licenses and nonoperator's identification cards by both the county treasurers and IDOT. The study shall be repeated every four years, and the findings and recommendations of the Auditor of State shall be considered by the General Assembly in adjusting the portion of the fee retained by county treasurers.

CHAPTER NUMBERS OF THE 2004 IOWA ACTS

Senate Files

File No.	Acts Chapter	File No.	Acts Chapter	File No.	Acts Chapter
297	1132	2179	1091	2257	1039
371	1069	2187	1022	2261	1008
443	1148	2188	1020	2266	1071
2026	1133	2189	1005	2269	1083
2044	1063	2193	1060	2270	1149
2059	1171	2199	1016	2272	1084
2066	1113	2202	1023	2274	1049
2070	1013	2208	1082	2275	1150
2101	1057	2209	1159	2282	1122
2112	1177	2210	1024	2284	1072
2118	1014	2213	1070	2288	1174
2119	1080	2215	1134	2289	1092
2149	1058	2217	1037	2290	1003
2153	1097	2224	1038	2291	1165
2154	1164	2234	1061	2296	1073
2166	1004	2240	1006	2298	1175
2167	1015	2244	1048	2306	1093
2173	1081	2249	1056	2308	1123
2174	1047	2253	1007	2311	1002
2177	1059				

Senate Joint Resolutions

File No.	Acts Chapter
SJR 2007	1178
SJR 2009	1180
SJR 2010	1181

CHAPTER NUMBERS OF THE 2004 IOWA ACTS

House Files

File No.	Acts Chapter	File No.	Acts Chapter	File No.	Acts Chapter
22	1169	2327	1152	2481	1154
250	1135	2328	1153	2484	1141
265	1098	2340	1076	2486	1142
401	1001	2343	1012	2489	1110
561	1099	2347	1021	2490	1067
2039	1170	2350	1043	2493	1053
2042	1025	2351	1030	2496	1068
2133	1009	2352	1128	2497	1035
2134	1085	2357	1137	2505	1155
2138	1040	2358	1044	2506	1036
2145	1074	2362	1031	2516	1054
2146	1064	2366	1115	2517	1078
2149	1041	2367	1106	2518	1143
2150	1151	2373	1018	2520	1046
2167	1026	2378	1166	2522	1055
2170	1050	2381	1032	2527	1156
2176	1010	2390	1116	2528	1157
2180	1002	2392	1138	2530	1111
2186	1124	2393	1160	2533	1131
2187	1022	2395	1112	2537	1090
2193	1100	2397	1077	2538	1172
2200	1125	2399	1087	2541	1096
2201	1065	2401	1094	2544	1144
2207	1101	2403	1019	2549	1173
2208	1086	2404	1066	2551	1167
2225	1075	2418	1129	2553	1079
2230	1102	2419	1088	2555	1168
2241	1027	2431	1033	2557	1161
2243	1126	2433	1139	2559	1145
2259	1127	2441	1062	2560	1146
2262	1103	2447	1107	2562	1118
2269	1104	2450	1052	2567	1162
2270	1028	2452	1045	2568	1158
2281	1105	2460	1140	2569	1119
2282	1029	2462	1130	2571	1147
2302	1136	2464	1034	2572	1120
2306	1011	2467	1108	2573	1163
2315	1051	2471	1117	3577	1176
2318	1042	2475	1095	2579	1121
2319	1114	2476	1089	2581	1001
2325	1017	2480	1109		

House Joint Resolutions

File No.	Acts Chapter
HJR 2005	1179

2004 SECTIONS AMENDED, ADDED OR REPEALED

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File #</u>	<u>Effective</u>
2A.8*	Section amended	HF 2207.1	J
2A.8*	Section repealed	SF 2296.51	J
2B.10*	Section amended	HF 2208.1	J
2B.17*	Subsection 2 amended	HF 2208.2	J
3.1*	Subsection 3 amended	HF 2207.2	J
3.3	Section amended	HF 2208.3	J
6B.23	Section amended	HF 2579.1	J
6B.25	New unnumbered paragraph	HF 2579.2	J
7A.4	Subsection 2 stricken	SF 2208.1	J
7D.15	Section amended	SF 2298.393	J
7J.1*	Subsection 1 amended	HF 2208.4	J
7J.1*	New subsection 7A	SF 2298.26	J
8.22A*	Subsection 3 amended	SF 2298.214	E
8.39	Subsections 2 & 3 amended	HF 2402.1	VETO
8.54	Subsection 2 amended	SF 2298.215	E
8.54	Subsections 2 & 3 amended	HF 2039.2	VETO
8.55*	Subsection 2, paragraph d amended	SF 2298.216	J
8.57*	New subsection 1A	HF 2039.3	J
8.57*	Subsection 5, new paragraph g	SF 2298.321	J
8.57B	New section	SF 2298.322	IV
8.59*	Section amended	HF 2208.5	J
8.62*	New subsection 4	SF 2298.217	VETO
8.63*	Subsection 5 amended	SF 2298.27	J
8.63*	Subsection 6, paragraph b amended	SF 2298.28	J
8A.124*	Section amended	HF 2208.6	J
8A.221*	Subsection 3, paragraph b amended	HF 2207.3	J
8A.221*	Subsection 3, paragraph b amended	HF 2467.1	J
8A.302*	Subsection 2 amended	HF 2207.4	J
8A.311*	Subsection 17 stricken	HF 2207.5	J
8A.315*	Subsection 1, paragraph c amended	HF 2207.6	J
8A.321*	Subsection 1 amended	HF 2207.7	J
8A.322*	Subsection 1 amended	HF 2207.8	J
8A.402*	Subsection 2, paragraph c amended	HF 2208.7	J
8A.412*	Subsection 5 amended	HF 2207.9	J
8A.412*	Subsection 19 amended	HF 2484.1	J
8A.502*	Subsection 14, paragraph b, unnumbered paragraph 1 amended	HF 2208.8	J
8D.9*	New subsection 4	SF 2298.194	J
8D.13*	Subsection 12 amended	SF 2298.323	J
8E.103	Subsection 1 amended	SF 2208.11	J
9E.6A	Unnumbered paragraph 1 amended	HF 2516.1**	E
9E.6A	Unnumbered paragraph 1 amended	SF 2298.349	J

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[^] - 2003 Acts, Extra. Session, Chap. 2

***** - Code Supplement 2003
****** - subsequently amended
******* - subsequently repealed
******** - Code 2005

Section	Action Taken	Hse/Sen File #	Effective
9H.1*	Subsection 17 amended	SF 2298.350**	1/1/05
9H.1*	Subsection 17 amended	SF 2298.351	1/1/06
9H.1*	Section amended	SF 2298.394	J
9H.4*	Section amended	SF 2298.394	J
10A.104*	New subsections 12, 13, 14, & 15	HF 2167.1	J
10A.106	Section amended	HF 2167.2	J
10A.501	Section repealed	HF 2167.4	J
10A.502	Section repealed	HF 2167.4	J
10A.601*	Subsections 1 & 7 amended	HF 2447.1	E
10B.1*	Subsection 8 amended	SF 2298.352**	1/1/05
10B.1*	Subsection 8 amended	SF 2298.353	1/1/06
10B.1*	Section amended	SF 2298.394	J
10B.4	Subsection 1 amended	HF 2571.1	J
10B.4	Subsection 2, unnumbered paragraph 1 amended	HF 2571.2	J
10B.4	Subsection 3 amended	HF 2571.3	J
10B.5	Subsection 2 amended	HF 2571.4	J
10B.7*	Unnumbered paragraph 1 amended	HF 2571.5	J
10C.1*	Subsections 2 & 8 amended	HF 2207.10	J
10C.1	Section repealed	SF 2298.218	7/1/08
10C.2	Section repealed	SF 2298.218	7/1/08
10C.3	Section repealed	SF 2298.218	7/1/08
10C.4	Section repealed	SF 2298.218	7/1/08
10C.5	Section amended	SF 2298.218	J
10C.6	Subsection 1, paragraph a, unnumbered paragraph 1 amended	SF 2298.219	J
10C.6	Subsection 1, paragraph a, subparagraphs (1) & (2) amended	SF 2298.220	J
10D.1	Section amended	SF 2298.393	J
11.6	Subsection 1, paragraph a, unnumbered paragraph 1 amended	SF 2187.1	J
11.6	Subsection 1, paragraph a, unnumbered paragraph 1 amended	SF 2244.1	A J
11.27	Subsection 2 amended	HF 2208.9	J
12B.3*	Section amended	HF 2207.11	J
12C.22	Subsection 1, paragraph b stricken	SF 2119.1	E
12C.22	Subsection 1, paragraph c amended	SF 2119.2	E
12C.22	Subsection 5, paragraph d amended	SF 2119.3	E
12C.23A*	Subsection 3, paragraph e amended	SF 2119.4	E
12C.23A*	Subsection 3, paragraph f stricken	SF 2119.5	E
12C.23A*	Subsection 3, paragraph g amended	SF 2119.6	E
12D.1	Section amended	HF 2553.1	E
12D.2	Subsection 4 amended	HF 2553.2	E
12D.2	Subsection 8 stricken	HF 2553.3	E
12D.2	Subsection 10 amended	HF 2553.4	E
12D.2	Subsection 11 amended	HF 2553.5	E
12D.2	Subsection 12 amended	HF 2553.6	E
12D.3	Subsection 1, paragraph a amended	HF 2553.7	E
12D.3	Subsections 2 & 3 stricken	HF 2553.8	E
12D.4	Section rewritten	HF 2553.9	E
12D.5*	Section rewritten	HF 2553.10	E
12D.6	Subsection 2 amended	HF 2553.11	E
12D.6	Subsection 3 stricken	HF 2553.12	E
12D.9*	Subsection 1, paragraphs d & e amended	HF 2553.13	E
12D.9*	Subsection 1, paragraph f stricken	HF 2553.14	E
12D.10	Subsection 1 amended	HF 2553.15	E

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File #</u>	<u>Effective</u>
13.2	New unnumbered paragraph after subsection 14	SF 2179.1	J
13B.4*	Subsection 1 amended	SF 2272.1	J
13B.4*	Subsection 2 amended	HF 2138.1**	J
13B.4*	Subsection 2 amended	SF 2298.195	J
13B.4*	Subsection 3 amended	HF 2138.2	J
13B.4*	Subsect. 4, para. c, subpara. (2), subpara. subdivision (d) amended	HF 2138.3	J
13B.4*	New subsection 9	SF 2179.2	J
13B.9*	Subsection 2 amended	HF 2325.1	J
13B.9*	Subsection 4 amended	HF 2138.4	J
15.103	Unnumbered paragraph 1 amended	SF 2208.7	J
15.109	Subsection 2 amended	SF 2298.318	J
15.114	Section amended	SF 2298.393	J
15.221	Section amended	SF 2298.393	J
15.269*	Subsect. 2, para. b, subpara. (1), subpara. subdivision (a) amended	HF 2208.10	J
15.313*	Subsection 1, paragraph b, unnumbered paragraph 1 amended	HF 2207.12	J
15.330	Subsection 1, unnumbered paragraph 1 amended	SF 2290.1	E
15.331A*	Unnumbered paragraph 1 amended	SF 2290.2	E
15.331C	New section	SF 2290.3	E
15.333*	Subsection 1 amended	SF 2290.4	E
15.333A	Subsection 1 amended	SF 2290.5	E
15.335*	Subsection 4, unnumbered paragraph 2 amended	SF 2296.1	J
15.385*	New subsection 1A	SF 2290.6	E
15.385*	Subsection 3, paragraph b amended	SF 2290.7	E
15.385*	Subsection 4, paragraph b amended	SF 2290.8	E
15A.9*	Subsection 8, paragraph e, unnumbered paragraph 2 amended	SF 2296.2	J
15E.42*	Subsection 3 amended	SF 443.1	R 1/1/04
15E.43*	Subsection 1, paragraphs a & b amended	SF 443.2	R 1/1/04
15E.44*	Subsection 4 amended	SF 443.3	R 1/1/04
15E.45*	Subsection 2, paragraphs b & c amended	SF 443.5	R 1/1/02
15E.45*	Subsection 6 amended	SF 443.6	R 1/1/02
15E.51*	Subsection 4 amended	SF 443.4	R 1/1/04
15E.64	Subsection 2, unnumbered paragraph 1 amended	SF 2274.181	J
15E.64	Section amended	SF 2298.393	J
15E.149	Section amended	HF 2347.109	1/1/05
15E.149	Section amended	HF 2347.117	1/1/06
15E.193C*	Section repealed	SF 2290.11	E
15E.195	Section amended	SF 2290.9	E
15E.196*	Subsection 7 stricken	SF 2290.10	E
15E.208*	Subsect. 3, para. b, subpara. (2), new subpara. subdivisions (c) & (d)	SF 2298.324	J
15E.221*	Section reaffirmed and reenacted	HF 2581.24	R 7/1/03
15E.222*	Section reaffirmed and reenacted	HF 2581.24	R 7/1/03
15E.223*	Section reaffirmed and reenacted	HF 2581.24**	R 7/1/03
15E.223*	Reaffirmed and reenacted section, subsection 4 amended	HF 2581.25	R 7/1/03
15E.224*	Section reaffirmed and reenacted	HF 2581.24**	R 7/1/03

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******** - Code 2005

Section	Action Taken	Hse/Sen File #	Effective
15E.224*	Reaffirmed and reenacted section, subsections, 1, 3, 5, & 7 amended	HF 2581.26	R 7/1/03
15E.225*	Section reaffirmed and reenacted	HF 2581.24**	R 7/1/03
15E.225*	Reaffirmed and reenacted section, subsections 1 & 2 amended	HF 2581.27	R 7/1/03
15E.227*	Subsection 2, paragraph c stricken	HF 2581.28	R 7/1/03
15E.301*	Section reaffirmed and reenacted	HF 2581.3	R 1/1/03
15E.302*	Section reaffirmed and reenacted	HF 2581.3	R 1/1/03
15E.303*	Section reaffirmed and reenacted	HF 2581.3	R 1/1/03
15E.304*	Section reaffirmed and reenacted	HF 2581.3	R 1/1/03
15E.306*	Section reaffirmed and reenacted	HF 2581.3	R 1/1/03
15E.311	New section	HF 2302.1	J
15F.204	Subsection 3 amended	SF 2298.401	J
15F.204	New subsection 8	SF 2298.402	J
15G.109*	Section reaffirmed and reenacted	HF 2581.33**	R 7/1/03
15G.109*	Reaffirmed & reenacted section, subsections 1, 2, & 5 stricken	HF 2581.34	E
15G.109*	Reaffirmed & reenacted section, subsections 3 & 4 amended	HF 2581.35	E
16.5	New subsection 18	SF 2215.1	J
16.161	Unnumbered paragraph 1 amended	SF 2298.461	J
16.182	New section	SF 2298.170	J
16.183	New section	SF 2298.171	J
18A.11	Section amended	SF 2298.393	J
21.2	Subsection 1, paragraph f amended	HF 2403.1	J
22.1	Subsections 1 & 3 amended	HF 2403.2	J
22.7*	Subsection 29 amended	SF 2179.3	J
22.7*	Subsection 42 amended	HF 2269.4	J
22.7*	Subsection 42 amended	HF 2557.65	1/1/05
22.7*	New subsection 48	HF 2571.6	J
22.7*	New subsection 48	SF 2298.462	E
23A.2*	Subsection 10, paragraph p stricken	HF 2207.13	J
28.3	Subsection 2 amended	SF 2298.221	J
28.4*	Subsection 12, paragraph d, subparagraph (1) amended	HF 2208.11	J
28M.1	New section	SF 2284.1**	J
28M.1	New section, new subsection 3	SF 2298.325	J
28M.2	New section	SF 2284.2**	J
28M.2	New section, subsections 1 & 3 amended	SF 2298.326	J
28M.3	New section	SF 2284.3	J
28M.4	New section	SF 2284.4	J
28M.5	New section	SF 2284.5**	J
28M.5	New section, subsection 1, unnumbered paragraph 1 amended	SF 2298.327	J
29A.1	Subsection 1 amended	HF 2208.12	J
29A.8A	Section amended	HF 2208.13	J
29A.28*	Subsections 1 & 3 amended	HF 2208.14	J
29A.90*	Subsection 3 amended	HF 2208.15	J
29B.13	Unnumbered paragraph 1 amended	HF 2208.16	J
34A.1	Section amended	SF 2298.444	J
34A.2	Section amended	SF 2298.445	J
34A.2A	Section amended	SF 2298.446	J
34A.3	Section amended	SF 2298.447	J
34A.4	Section amended	SF 2298.448	J
34A.6	Subsection 1, unnumbered paragraph 1 amended	SF 2298.449	J
34A.7	Unnumbered paragraph 1 amended	SF 2298.450	J

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34A.7	Subsections 1, 2, 3, & 4 amended	SF 2298.451	J
34A.7	Subsection 5, paragraph b, subparagraphs (2) & (3) amended	SF 2298.452	J
34A.7A	Subsection 1 amended	SF 2298.453	J
34A.7A	Subsection 2 amended	SF 2298.454	J
34A.7A	Subsection 3 amended	SF 2298.455	J
34A.8	Subsection 2, unnumbered paragraph 2 amended	SF 2298.456	J
34A.9	Section amended	SF 2298.457	J
34A.10	New section	SF 2298.458	J
34A.15	New subsection 1A	SF 2298.459	J
34A.15	Subsection 2 amended	SF 2298.460	J
35A.2	Section amended	SF 2298.222	E
35A.3	New subsection 14	SF 2298.223	J
35D.13	Subsection 2 rewritten	SF 2298.224	J
39.21	New subsection 4	HF 593.1	VETO
39A.4	Subsection 1, paragraph c, new subparagraphs (11) & (12)	SF 2269.1	A 9/15/04
43.14	Subsection 1, unnumbered paragraph 1 amended	HF 593.2	VETO
45.5*	Subsection 1, unnumbered paragraph 1 amended	HF 593.3	VETO
46.21	Unnumbered paragraph 1 amended	HF 593.4	VETO
46.21	Unnumbered paragraph 1 amended	SF 2269.2	A 9/15/04
47.1*	New unnumbered paragraph	SF 2269.3	A 9/15/04
47.7*	Subsections 2, 3, & 4 rewritten	SF 2269.4	A 9/15/04
47.8*	New subsection 5	SF 2269.5	A 9/15/04
48A.8	Section amended	SF 2269.6	A 9/15/04
48A.11	Subsection 1, paragraph b amended	SF 2269.7	A 9/15/04
48A.11	Subsection 1, paragraph e rewritten	SF 2269.8**	A 9/15/04
48A.11	Subsection 1, rewritten paragraph e amended	SF 2298.355	J
48A.11	Subsection 1, paragraph f amended	SF 2269.9	A 9/15/04
48A.11	New subsection 2A	SF 2269.10	A 9/15/04
48A.11	Subsection 5 amended	SF 2269.11	A 9/15/04
48A.11	New subsection 7	SF 2269.12	A 9/15/04
48A.24*	Section repealed	SF 2296.51	J
48A.25A	New section	SF 2269.13**	A 9/15/04
48A.25A	New section, unnumbered paragraph 1 amended	SF 2298.356	J
48A.26	Subsection 3 amended	SF 2269.14	A 9/15/04
48A.26	New subsections 3A & 3B	SF 2269.15	A 9/15/04
48A.28	Subsection 2, unnumbered paragraph 2 amended	SF 2269.16	A 9/15/04
48A.36	Subsection 2 amended	SF 2269.17	A 9/15/04
48A.37	Subsection 2 amended	SF 2269.18**	A 9/15/04
48A.37	Subsection 2 amended	SF 2298.357	J
48A.38	Subsection 1, paragraph f amended	SF 2269.19	A 9/15/04
49.14	Subsection 1 amended	HF 593.5	VETO
49.26	Subsection 2 amended	HF 593.6	VETO
49.30	Subsection 1 amended	HF 593.7	VETO
49.30	Subsection 2, paragraph a amended	HF 593.8	VETO
49.37	Subsection 3 amended	HF 593.9	VETO

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Section	Action Taken	Hse/Sen File #	Effective
49.73	Subsection 1, paragraph e amended	HF 593.10	VETO
49.73	Subsection 2 amended	HF 593.11	VETO
49.81	Section amended	SF 2269.20**	A 9/15/04
49.81	Subsection 2, unnumbered paragraph 3 amended	SF 2298.358	J
49.98	Section amended	SF 2269.21	A 9/15/04
50.9	Section amended	HF 593.12	VETO
50.20	Section amended	SF 2269.22	A 9/15/04
50.21	Unnumbered paragraph 2 amended	SF 2269.23	A 9/15/04
50.25	Subsection 7 rewritten	HF 593.13	VETO
52.1	Subsection 2, paragraph h amended	SF 2269.24	A 9/15/04
52.2	Section amended	SF 2269.25	A 9/15/04
52.5	Unnumbered paragraph 2 amended	SF 2269.26	A 9/15/04
52.7	Section amended	HF 593.14	VETO
52.7	Unnumbered paragraphs 2 & 4 amended	SF 2269.27**	A 9/15/04
52.7	Unnumbered paragraph 4 amended	SF 2298.359	J
52.36	Section amended	HF 593.15	VETO
53.2	Unnumbered paragraph 1 amended	HF 593.16	VETO
53.2	Unnumbered paragraph 1 amended	SF 2269.28	A 9/15/04
53.2	New unnumbered paragraph	SF 2269.29	A 9/15/04
53.3	New section	SF 2269.30**	A 9/15/04
53.3	New section, subsection 7 amended	SF 2298.360	J
53.8	Subsection 1 amended	SF 2269.31	A 9/15/04
53.8	Subsection 2 amended	SF 2269.32	A 9/15/04
53.11	Subsection 1 amended	SF 2279.1	VETO
53.17	Section amended	SF 2269.33**	A 9/15/04
53.17	Subsection 1, new paragraph a amended	SF 2298.361	J
53.17	New subsection 4, paragraph d, subparagraph (2) amended	SF 2298.362	J
53.37A	New section	SF 2269.34	A 9/15/04
53.40	Unnumbered paragraph 1 amended	SF 2269.35	A 9/15/04
53.53	New unnumbered paragraphs	SF 2269.36	A 9/15/04
68A.201*	Subsection 3 amended	HF 2318.1	J
68A.201*	Subsection 5 amended	HF 2318.2	J
68A.202*	Subsection 2 amended	HF 2318.3	J
68A.301*	Section amended	HF 2318.4	J
68A.303*	Subsection 1, paragraph a amended	HF 2318.5	J
68A.402*	Section rewritten	HF 2319.1**	J
68A.402	Rewritten section, subsection 7, paragraph b amended	SF 2298.363	J
68A.402A	New section	HF 2319.2	J
68A.402B	New section	HF 2319.3	J
68A.403*	Subsection 1 amended	HF 2318.6	J
68A.405*	Section rewritten	HF 2319.4	J
68A.406B	New section	HF 2319.5	J
68A.503*	Subsection 4, unnumbered paragraph 2 stricken	HF 2319.6	J
68A.503*	Subsection 4 rewritten	HF 2318.7**	J
68A.503	Rewritten subsection 4, unnumbered paragraph 1 amended	SF 2298.364	J
68A.504*	Section amended	HF 2318.8	J
68A.602*	Section amended	HF 2207.14	J
68B.2*	Subsection 23 amended	SF 2179.4	J
68B.4*	Unnumbered paragraph 2 amended	SF 2179.5	J
68B.4B	Unnumbered paragraph 1 amended	SF 2179.6	J
68B.4B	Subsection 1 amended	SF 2179.7	J

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File #</u>	<u>Effective</u>
68B.6	Subsection 1 amended	SF 2179.8	J
68B.31A	New section	SF 2179.9	J
68B.32A*	Subsection 11 amended	SF 2179.10	J
68B.34	Section repealed	SF 2179.14	J
68B.35*	Section amended	HF 2484.34	J
68B.35*	Subsection 2, paragraph e amended	SF 2179.11	J
68B.35A	Section amended	SF 2179.12	J
68B.38*	Section amended	SF 2179.13	J
69.14A	Subsection 2, paragraph a, unnumbered paragraph 1 amended	HF 2180.1	J
69.20	New section	HF 2340.1	E
70A.17B	New section	HF 2262.75	J
72.5	Subsection 2 amended	HF 2208.17	J
73.1	New unnumbered paragraph	HF 2520.1	J
80.9	Subsection 2, paragraph f amended	SF 2298.319	VETO
80.35*	Section amended	HF 2208.18	J
80B.5	Section amended	HF 2208.19	J
80B.11E*	Subsection 4 amended	HF 2208.20	J
84A.1C	Section amended	SF 2298.393	J
85.27	Subsection 4 amended	HF 2581.9	A E
85.34	Subsection 2, paragraph u amended	HF 2581.10	A E
85.34	New subsection 7	HF 2581.11	A E
85.36	New subsection 5A	SF 2298.225	VETO
85.36	Subsection 9, paragraph c stricken	HF 2581.12	A E
85.55	Section repealed	HF 2581.17	A E
85.66	Section amended	SF 2298.196	E
85.67	Section amended	SF 2298.197	E
85.70	Section amended	HF 2581.13	A E
86.12*	Section reaffirmed and reenacted	HF 2581.14	R 7/1/03
86.13A*	Section reaffirmed and reenacted	HF 2581.15**	R 7/1/03
86.13A*	Reaffirmed and reenacted section, unnumbered paragraph 2 amended	HF 2581.16	R 7/1/03
89.2	New subsections 0A & 0B	HF 2447.2	E
89.3	New subsection 13	HF 2447.3	E
89.5	Subsection 1 stricken	HF 2447.4	E
89.5	Subsection 4, unnumbered paragraph 1 amended	HF 2447.5	E
89.7	Subsection 3 amended	HF 2447.6	E
89.8	Section rewritten	HF 2447.7	E
89.8	Rewritten section repealed	HF 2447.7	7/1/12
89.9	Section amended	HF 2447.8	E
89.11	Section amended	HF 2447.9	E
89.14	New section	HF 2447.10	E
89A.1	Subsection 2 stricken	HF 2447.11	E
89A.1	Subsection 19 rewritten	HF 2447.12	E
89A.3	Subsection 1, unnumbered paragraphs 1 & 2 amended	HF 2447.13	E
89A.3	Subsection 1, paragraphs h & i stricken	HF 2447.14	E

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89A.3	Subsection 2 amended	HF 2447.15	E
89A.3	Subsections 4 & 5 amended	HF 2447.16	E
89A.3	New subsection 6	HF 2447.17	E
89A.6	Subsections 2, 3, & 6 amended	HF 2447.18	E
89A.9	Unnumbered paragraph 1 amended	HF 2447.19	E
89A.10	Subsection 2, unnumbered paragraph 1 amended	HF 2447.20	E
89A.10	Subsection 2, unnumbered paragraphs 2 & 3 stricken	HF 2447.21	E
89A.11	Section amended	HF 2447.22	E
89A.13	Section rewritten	HF 2447.23	E
89A.14	Section amended	HF 2447.24	E
89A.15	Section amended	HF 2447.25	E
89A.18	Section amended	HF 2447.26	E
89A.19	New section	HF 2447.27	E
89A.19	New section repealed	HF 2447.27	7/1/12
96.7*	Subsection 2, paragraph d, subparagraph (1) amended	SF 2298.65	J
96.7*	Subsection 12, paragraph a amended	HF 2208.21	J
96.7*	Subsection 12 removed	HF 2581.31	R 7/1/03
96.7A	New section	SF 2311.6	E
96.9*	Subsection 8, paragraph e amended	HF 2581.30	R 7/1/03
96.19	Subsect. 18, para. a, subpara. (7), subpara. subdivision (a) amended	SF 2298.66	J
97A.8*	Subsection 1, paragraph i, subparagraph (1) amended	HF 2207.15	J
97A.17	Subsection 1, new paragraph e	HF 2262.1	J
97A.17	Subsection 2 amended	HF 2262.2	J
97A.17	Subsection 4 amended	HF 2262.3	J
97B.1A*	Subsection 11, paragraphs a, b, & c amended	HF 2262.4	J
97B.1A*	Subsection 20, new unnumbered paragraph after paragraph d	HF 2262.6	J
97B.1A*	Subsection 20, new paragraph e	HF 2262.5	J
97B.1A*	Subsection 22 amended	HF 2262.7	J
97B.1A*	Subsection 24, paragraphs a & c amended	HF 2262.8	J
97B.1A*	Subsection 25, paragraph a, subparagraph (4) amended	HF 2262.9	J
97B.1A*	Subsect. 26, para. a, subpara. (2), subpara. subdivision (j) amended	HF 2262.10	J
97B.1A*	Subsect. 26, para. a, subpara. (2), subpara. subdivision (n) stricken	HF 2262.11	J
97B.1A*	Subsection 26, paragraph b, unnumbered paragraph 3 amended	HF 2262.12	J
97B.9A	New section	HF 2262.13	J
97B.14A*	Section amended	HF 2262.14	J
97B.17*	Subsection 1 amended	HF 2262.15	J
97B.38*	Section amended	HF 2262.16	J
97B.40*	New subsection 1A	HF 2262.17	J
97B.42*	Unnumbered paragraph 8 rewritten	HF 2262.18	J
97B.42A*	Subsection 4 amended	HF 2262.19	J
97B.42A*	Subsection 5, unnumbered paragraph 2 amended	HF 2262.20	J
97B.43*	Unnumbered paragraph 3 amended	HF 2262.21	J
97B.43*	Unnumbered paragraph 4 amended	HF 2262.22	J
97B.45*	Unnumbered paragraph 2 stricken	HF 2262.23	J
97B.46*	Subsection 2 amended	HF 2262.24	J
97B.47*	Section amended	HF 2262.25	J
97B.48*	Subsections 1 & 2 amended	HF 2262.26	J
97B.48*	Subsection 5 stricken	HF 2262.27	J
97B.48*	New subsections 6 & 7	HF 2262.28	J

Section	Action Taken	Hse/Sen File #	Effective
97B.48A*	New subsection 5	HF 2262.29	J
97B.49	New section	HF 2262.30	J
97B.49B*	Subsection 1, paragraph c amended	HF 2262.31	J
97B.49B*	Subsection 1, paragraph e, new subparagraph (8)	HF 2262.32	J
97B.49B*	Subsection 3, paragraph b, new subparagraph (7)	HF 2262.33	J
97B.49C*	Subsection 1, paragraph a stricken	HF 2262.34	J
97B.49C*	Subsection 1, paragraph d amended	HF 2262.35	J
97B.49C*	Subsection 2 amended	HF 2262.36	J
97B.49C*	Subsection 3, paragraph a amended	HF 2262.37	J
97B.49C*	Subsection 3, paragraph b amended	HF 2262.38	J
97B.50*	Subsection 2 amended	HF 2262.39	J
97B.50*	Subsection 2, paragraph c amended	HF 2207.16	J
97B.50*	Subsection 4 stricken	HF 2262.40	J
97B.50A*	Subsection 5 amended	HF 2262.41	J
97B.50A*	Subsection 10, paragraph a, subparagraphs (1) & (2) amended	HF 2207.17	J
97B.50A*	Subsection 10, paragraph b, subparagraphs (1) & (2) amended	HF 2207.18	J
97B.52*	Subsection 1, unnumbered paragraph 1 amended	HF 2262.42	J
97B.52*	Subsection 1, paragraph a, subparagraph (3) amended	HF 2262.43	J
97B.52*	Subsection 5, unnumbered paragraph 3 stricken	HF 2262.44	J
97B.52*	Subsection 7 amended	HF 2262.45	J
97B.52A*	Subsection 1, paragraph c amended	HF 2262.46	J
97B.53*	Subsection 4 amended	HF 2262.47	J
97B.53B*	Subsect. 1, para. c, subpara. (2), subpara. subdivision (c) amended	HF 2262.48	R 1/1/02
97B.66*	Unnumbered paragraph 2 amended	HF 2208.22	J
97B.72*	Section repealed	HF 2262.60	J
97B.72A*	Section repealed	HF 2262.60	J
97B.73B*	Subsection 2, paragraph b amended	HF 2262.49	J
97B.73B*	Subsection 2, new paragraph c	HF 2262.50	J
97B.73*	Section repealed	HF 2262.60	J
97B.73A*	Section repealed	HF 2262.60	J
97B.74*	Section repealed	HF 2262.60	J
97B.75*	Section repealed	HF 2262.60	J
97B.80*	Subsection 3 amended	HF 2262.51	J
97B.80*	Subsection 4 rewritten	HF 2262.52	J
97B.80A*	Section repealed	HF 2262.60	J
97B.80B*	Section repealed	HF 2262.60	J
97B.80C*	Subsection 1, paragraph a amended	HF 2262.53	J
97B.80C*	Subsec. 1, para. c, subpara. (1), new subpara. subdiv. (e), (f), (g), (h), (i), (j), & (k)	HF 2262.54	J
97B.80C*	Subsection 3 amended	HF 2262.55	J
97B.80C*	New subsections 3A, 3B, & 3C	HF 2262.56	J
97B.81*	Section repealed	HF 2262.60	J
99B.1*	Subsections 4 & 13 amended	HF 2403.3	J
99B.1*	New subsections 11A, 16A, 16B, & 19A	HF 2562.1	E
99B.7*	Subsection 1, paragraph c, unnumbered paragraph 1 amended	SF 2149.1	E

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Section	Action Taken	Hse/Sen File #	Effective
99B.7*	Subsection 1, paragraph d, unnumbered paragraphs 1, 2, & 3 amended	SF 2149.2	E
99B.7*	Subsection 1, paragraph d, subparagraph (1) amended	SF 2149.3	E
99B.7*	Subsection 3, paragraph a amended	SF 2149.4	E
99B.9*	Subsection 1, unnumbered paragraph 1 amended	HF 2208.23	J
99B.10*	Subsection 4 amended	HF 2562.2	E
99B.10*	New subsections 5A & 5B	HF 2562.3	E
99B.10A*	Section amended	HF 2562.4	E
99B.10B*	Section amended	HF 2562.5	E
99B.10C	New section	HF 2562.6	E
99B.11	Subsection 2, paragraph c amended	SF 2249.1**	E
99B.11	Subsection 2, paragraph c amended	SF 2298.365	J
99D.2	Subsection 8 amended	HF 2302.2	J
99D.2	New subsection 9	HF 2302.3	J
99D.5	Subsection 4 amended	HF 2302.4	J
99D.6	Section amended	HF 2302.5	R 4/1/04
99D.7	Subsection 8 amended	HF 2302.6	J
99D.7	Subsection 19 amended	HF 2302.7	J
99D.7	New subsection 23	HF 2302.8	J
99D.9	Subsections 1 & 2 amended	HF 2302.9	J
99D.9	Subsection 6 amended	HF 2302.10	J
99D.9	New subsection 8	HF 2302.11	J
99D.11	Subsection 7 amended	HF 2302.12	J
99D.13	Subsection 3, paragraphs a & b amended	HF 2403.4	J
99D.14	Subsection 2 rewritten	HF 2302.13	J
99D.14	Subsection 7 stricken	HF 2302.14	J
99D.14A	Section repealed	HF 2302.59	J
99D.15	Subsection 3, paragraph d stricken	HF 2302.15	J
99D.15	New subsection 5	HF 2302.16	J
99D.19	Section amended	HF 2302.17	J
99D.20	Section amended	HF 2302.18	J
99D.23	Subsection 1 amended	HF 2302.19	J
99D.24	Subsection 4, unnumbered paragraph 1 amended	HF 2208.24	J
99D.25	Subsection 1, paragraph a amended	HF 2302.20	J
99D.25	Subsection 5 amended	HF 2302.21	R 4/1/04
99D.25	Subsection 9 amended	HF 2302.22	J
99D.25A	Subsections 3, 4, 5, 6, & 7 amended	HF 2302.23	J
99F.1*	New subsection 7A	HF 2302.24	J
99F.1*	Subsection 8 amended	HF 2302.25	J
99F.1*	Subsection 10 amended	HF 2302.26	E
99F.1*	New subsection 10A	HF 2302.27	J
99F.1*	Subsection 12 amended	HF 2302.28	J
99F.1*	New subsection 14A	HF 2302.29	J
99F.1*	Subsection 16 amended	HF 2302.30	J
99F.4	Subsection 2 amended	HF 2302.31	J
99F.4	Subsection 6 amended	HF 2302.32	J
99F.4	Subsection 18 amended	HF 2302.33	J
99F.4	Subsection 20 stricken	HF 2302.34	J
99F.4	New subsections 23, 24, & 25	HF 2302.35	J
99F.4A	Subsection 4 amended	HF 2302.36	J
99F.4A	Subsection 8 rewritten	HF 2302.37	E

Section	Action Taken	Hse/Sen File #	Effective
99F.4C	New section	HF 2302.38	J
99F.5	Subsection 1 amended	HF 2302.39	E
99F.6*	Subsection 4, paragraph a amended	HF 2302.40	J
99F.7	Subsection 1 amended	HF 2302.41	J
99F.7	Subsection 3 amended	HF 2302.42	J
99F.7	Subsection 4 amended	HF 2302.43	J
99F.7	Subsection 5, paragraph b stricken	HF 2302.44	J
99F.7	Subsection 9 amended	HF 2302.45	J
99F.7	Subsection 10, paragraph e amended	HF 2302.46	R 1/1/02
99F.7	Subsection 13 amended	HF 2302.47**	J
99F.7	Subsection 13 amended	SF 2298.328	J
99F.9	Subsection 5 amended	HF 2302.48	J
99F.10	Section amended	HF 2302.49	J
99F.10A	Section repealed	HF 2302.59	J
99F.11*	Section amended	HF 2302.50	J
99F.12	Section amended	HF 2302.51	J
99F.13	Section amended	HF 2302.52	J
99F.17	Subsections 5 & 6 amended	HF 2302.53	J
99G.8*	Subsection 9 amended	HF 2208.25	J
99G.8*	Subsection 11 amended	HF 2207.19	J
99G.10*	Subsection 8 amended	HF 2208.26	J
99G.31*	Subsection 1 amended	HF 2207.20	J
99G.33*	Section amended	HF 2208.27	J
99G.34*	Subsection 8 amended	HF 2207.21	J
99G.39*	Subsection 1, paragraph a amended	HF 2302.54	J
99G.40*	Subsection 4 amended	HF 2133.1	J
100.1*	New subsection 7	HF 2200.1	J
100.35	Unnumbered paragraph 2 amended	HF 2208.28	J
100.38	Section amended	HF 2208.29	J
100.39	Unnumbered paragraph 3 amended	HF 2208.30	J
100B.8*	Section amended	HF 2208.31	J
100B.11*	Subsection 2, paragraph b, subparagraph (1) amended	SF 2044.1	J
100B.13	New section	SF 2298.434	J
100C.1	New section	HF 2200.2	A 7/1/05
100C.2	New section	HF 2200.3	A 7/1/05
100C.3	New section	HF 2200.4	A 7/1/05
100C.4	New section	HF 2200.5	A 7/1/05
100C.5	New section	HF 2200.6	A 7/1/05
100C.6	New section	HF 2200.7	A 7/1/05
100C.7	New section	HF 2200.8	J
100C.8	New section	HF 2200.9	A 7/1/05
100C.9	New section	HF 2200.10	A 7/1/05
100C.10	New section	HF 2200.11	J
101.5	Section amended	HF 2200.12	J
101.14	New section	HF 2243.1	J

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Section	Action Taken	Hse/Sen File #	Effective
123.49*	Subsection 2, paragraph c amended	HF 2505.1	J
123.50	Subsection 3 rewritten	SF 2261.1	J
124.101	New subsections 13A & 13B	HF 2506.1	J
124.308	Subsections 1 & 3 amended	HF 2506.2	J
124.308	New subsections 1A & 3A	HF 2506.3	J
124.401*	Subsection 1, paragraph b, subparagraph (8) amended	HF 2208.32	J
124.401*	Subsection 4, unnumbered paragraph 1 amended	SF 2101.1	J
124.401C	Subsection 1 amended	HF 2150.1	J
124B.9	Subsection 2 amended	SF 2101.2	J
126.2	New subsections 8A & 8B	HF 2506.4	J
126.11	Subsection 3, paragraph a, unnumbered paragraph 2 amended	HF 2506.5	J
126.11	Subsection 3, paragraph b amended	HF 2506.6	J
126.11	Subsection 3, new paragraph f	HF 2506.7	J
126.23A	New section	HF 2259.1	J
135.11*	New subsection 29	HF 2551.1	J
135.18	Section amended	HF 2208.33	J
135.26	New section	HF 2464.1	C
135.39A	New section	HF 2555.1	J
135.39A	New section	SF 2209.1	J
135.103	Section amended	HF 2555.2	J
135.104	Unnumbered paragraph 1 amended	HF 2555.3	J
135.105A	Section amended	HF 2551.2	J
135.106	Section amended	HF 2208.35	J
135.142*	Subsection 2 amended	HF 2208.34	J
135.144*	New subsection 11	SF 2153.1	J
135.146	New section	HF 2343.1	E
135.150	New section	HF 2302.55	J
135B.17	Unnumbered paragraph 2 amended	HF 2208.36	J
135C.1*	Subsection 17 amended	HF 2134.1	E
135C.4	Section amended	HF 2134.2	E
135C.23	Subsection 2, unnumbered paragraph 2 amended	HF 2537.1	J
135C.28	Section amended	HF 2208.37	J
135C.31A*	Section amended	SF 2298.226	J
136A.	Chapter repealed	HF 2362.11	J
136B.1	Subsection 2 amended	HF 2555.4	J
136B.3	Section amended	HF 2555.5	J
136C.10	New unnumbered paragraph	HF 2551.3	J
136E.1	New section	HF 2362.2	J
136E.2	New section	HF 2362.3	J
136E.3	New section	HF 2362.4	J
136E.4	New section	HF 2362.5	J
136E.5	New section	HF 2362.6	J
136E.6	New section	HF 2362.7	J
136E.7	New section	HF 2362.8	J
136E.8	New section	HF 2362.9	J
136E.9	New section	HF 2362.10	J
137C.2	Subsection 2 amended	HF 2167.3	J
137C.31	Section amended	HF 2208.38	J
137D.6	Section amended	HF 2208.39	J
137F.16	Section amended	HF 2208.40	J
139A.2*	Subsection 20 amended	HF 2555.6	J

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File #</u>	<u>Effective</u>
139A.26	New section	SF 2202.1	J
142A.3	Subsection 2 amended	HF 2577.6	J
142A.4	New subsection 12A	HF 2577.7	J
142A.5*	Subsection 1, paragraph b amended	HF 2577.8	J
142A.5*	Subsection 2, new paragraph g	HF 2577.9	J
144.13A*	Section amended	HF 2362.12	J
144.13A*	Subsection 2 amended	HF 2527.1	J
144.13A*	Subsection 4, paragraph a amended	SF 2059.1	E
145A.16	Subsection 4 amended	HF 2208.41	J
147.1	Subsection 2, paragraph c amended	SF 2298.419	7/1/05
147.1	Subsection 2, paragraph f amended	SF 2298.420	7/1/05
147.2	Unnumbered paragraph 1 amended	HF 2452.1	J
147.2	Unnumbered paragraph 1 amended	SF 2298.421	7/1/05
147.13	New subsection 21	SF 2298.422	7/1/05
147.14	New subsection 21	SF 2298.423	7/1/05
147.74*	Subsection 20 amended	HF 2452.2	J
147.74*	New subsection 21A	SF 2298.424	7/1/05
147.80*	New subsection 28A	SF 2298.425	7/1/05
147.107*	Subsection 2, unnumbered paragraph 3 amended	HF 2506.8	J
147.107*	Subsection 7 stricken	HF 2207.22	J
147.108	Subsection 1 amended	HF 2506.9	J
147.109	Subsection 1 amended	HF 2506.10	J
147.153	Subsection 2 amended	HF 2551.4	J
148.3	Subsection 3 amended	HF 2555.7	J
148.10	Unnumbered paragraphs 2 & 3 rewritten	HF 2551.5	J
148A.6	Subsection 1 stricken	HF 2496.2	J
148A.7	New section	HF 2496.1	J
148B.5	Subsection 3 rewritten	HF 2551.6	J
148C.1*	Subsection 4 amended	HF 2207.23	J
148C.3*	Subsection 2 amended	HF 2207.24	J
152.1*	Subsection 6, paragraph b amended	HF 2555.8	J
152C.1	Subsection 3 amended	HF 2201.1	J
152C.1	New subsection 4	HF 2201.2	J
152C.9	New section	HF 2201.3	J
152D.1	Section rewritten	HF 2452.3	J
152D.2	Section repealed	HF 2452.11	J
152D.3	Section amended	HF 2452.4	J
152D.4	Subsection 1 amended	HF 2452.5	J
152D.4	New subsection 4	HF 2452.6	J
152D.5	Subsection 3 amended	HF 2452.7	J
152D.7	New section	HF 2452.8	J
152D.8	Section amended	HF 2452.9	J
152D.9	New section	HF 2452.10	J
153.19	Subsection 2 amended	HF 2551.7	J
153.19	Subsection 3 stricken	HF 2551.8	J

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Section	Action Taken	Hse/Sen File #	Effective
153.39	Subsection 2 amended	HF 2187.1	VETO
153.40	New section	SF 2298.227	C
154A.18	Section amended	HF 2555.9	J
154D.2	Subsection 1, paragraph b amended	HF 2537.2	J
154D.2	Subsection 2, paragraph b amended	HF 2537.3	J
154E.1	New section	SF 2298.426	7/1/05
154E.2	New section	SF 2298.427	7/1/05
154E.3	New section	SF 2298.428	7/1/05
154E.4	New section	SF 2298.429	7/1/05
155.9	Subsection 3, unnumbered paragraph 2 amended	HF 2555.10	J
155A.3	New subsection 15A	HF 2551.9	J
155A.3	New subsections 15A & 15B	HF 2506.11	J
155A.3	Subsection 31 amended	HF 2506.12	J
155A.23	Subsection 1, paragraph b amended	HF 2506.13	J
155A.23	Subsection 4 amended	HF 2506.14	J
155A.27	Subsection 1, unnumbered paragraph 1 amended	HF 2506.15	J
155A.27	New subsections 1A & 1B	HF 2506.16	J
155A.32	Subsections 1 & 3 amended	HF 2506.17	J
155A.37	Subsection 4 amended	HF 2551.10	J
156.16	New section	HF 2555.11	J
157.1	New subsections 1A & 1B	HF 2358.1	J
157.1	Subsection 3 rewritten	HF 2358.2	J
157.1	Subsection 4 amended	HF 2358.3	J
157.1	New subsection 5A	HF 2358.4	J
157.1	Subsection 9 rewritten	HF 2358.5	J
157.1	New subsections 9A, 9B, 10A, 12A, 12B, 12C, & 14A	HF 2358.6	J
157.2	New subsections 3 & 4	HF 2358.7	J
157.3A	New section	HF 2358.8	J
157.5	New section	HF 2358.9	J
157.5A	Unnumbered paragraph 1 amended	HF 2193.1	J
157.8	Subsection 1 amended	HF 2358.10	J
157.10	Subsection 1 amended	HF 2193.2	J
157.12A	New section	HF 2358.11	J
157.13	Subsection 1 amended	HF 2358.12	J
157.13	New subsection 3	HF 2358.13	J
159.6*	Subsection 10 amended	SF 2208.4	J
159.11*	Section repealed	SF 2208.2	J
159.13	Section repealed	SF 2208.3	J
159.34*	Subsection 1 amended	HF 2207.25	J
159A.2	Section amended	HF 2208.106	J
161A.4	New subsection 5	HF 2518.1	J
161B.*	Chapter repealed	SF 2208.6	J
161C.7*	Subsection 1 stricken	HF 2207.26	J
163.1	Subsections 1, 2, 3, 4, 5, 6, 7, & 8 amended	HF 2573.1	J
163.2	Section amended	HF 2573.2	J
163.2	Unnumbered paragraph 1 amended	HF 2476.1	J
163.10	Section amended	HF 2573.3	J
163.11	Unnumbered paragraph 1 amended	HF 2573.4	J
163.12	Section amended	HF 2573.5	J
163.14	Section amended	HF 2573.6	J
163.15	Unnumbered paragraphs 1 & 2 amended	HF 2573.7	J

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163.15	Subsection 2, unnumbered paragraph 2 amended	HF 2573.8	J
163.23	Section amended	HF 2573.9	J
163.24	Section amended	HF 2573.10	J
163.30*	Subsection 2, paragraph a amended	HF 2207.27	J
163.30*	Subsection 5, unnumbered paragraphs 1 & 4 amended	HF 2573.11	J
163.30*	Subsection 9 amended	HF 2573.12	J
163.43	Section amended	HF 2573.13	J
163.46	Section amended	HF 2573.14	J
163.61	Subsection 2, paragraph b amended	HF 2573.15	J
163.61	Subsections 2 & 3 amended	HF 2475.1	E
163A.1	Subsection 4 amended	HF 2573.16	J
163A.5	Section amended	HF 2573.17	J
164.1	New subsection 2A	HF 2573.18	J
164.14	Subsection 2, paragraph c amended	HF 2573.19	J
165.1A	New section	HF 2573.20	J
165.36	Subsection 3 amended	HF 2573.21	J
165B.1	New section	HF 2476.2	J
165B.2	New section	HF 2476.3	J
165B.3	New section	HF 2476.4	J
165B.4	New section	HF 2476.5	J
165B.5	New section	HF 2476.6**	J
165B.5	New section, subsection 3 amended	SF 2298.329	J
166A.1	Subsection 8 amended	HF 2573.22	J
166A.4	Section amended	HF 2573.23	J
166A.10	Section amended	HF 2573.24	J
166A.11	Section amended	HF 2573.25	J
166D.2	New subsection 5A	HF 2573.26	J
166D.10*	Subsection 1, unnumbered paragraph 1 amended	HF 2573.27	J
166D.10*	Subsection 1, paragraph b, subparagraph (3) amended	HF 2573.28	J
166D.10*	Subsection 1, paragraph b, unnumbered paragraph 2 amended	HF 2573.29	J
166D.10*	Subsection 2, unnumbered paragraph 2 amended	HF 2573.30	J
167.4	Section rewritten	HF 2567.1	J
167.6	Section repealed	HF 2567.5	J
167.9	Section repealed	HF 2567.5	J
167.10	Section repealed	HF 2567.5	J
167.11	Unnumbered paragraph 2 amended	HF 2208.42	J
167.15	Section rewritten	HF 2567.2	J
167.19	Section amended	HF 2567.3	J
167.22	New section	HF 2567.4	E
170.3*	Subsection 1 amended	HF 2515.1	VETO
170.4*	Section amended	HF 2515.2	VETO
172B.3	Subsection 2, paragraph l amended	HF 2573.31	J
173.3*	Section amended	HF 2403.5	J
174.1	New subsections OA, OB, OC, & 4	HF 2403.8**	J
174.1	New subsection OB, paragraph a amended	SF 2298.366	J

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<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File #</u>	<u>Effective</u>
174.1	Subsections 1 & 2 amended	HF 2403.6	J
174.1	Subsection 3 stricken	HF 2403.7	J
174.2	Unnumbered paragraphs 1 & 2 amended	HF 2403.9	J
174.3	Section amended	HF 2403.10	J
174.4	Section amended	HF 2403.11	J
174.5	Section repealed	HF 2403.32	J
174.6	Section amended	HF 2403.12	J
174.8	Section amended	HF 2403.13	J
174.9	Section amended	HF 2403.14	J
174.10	Section amended	HF 2403.15	J
174.12	Section amended	HF 2403.16**	J
174.12	Subsection 2, unnumbered paragraph 1 amended	SF 2298.367	J
174.13	Section amended	HF 2403.17	J
174.14	Section amended	HF 2403.18	J
174.15	Section amended	HF 2403.19	J
174.16	Section amended	HF 2403.20	J
174.17	Subsection 1 amended	HF 2403.21	J
174.17	Subsection 3 amended	HF 2403.22	J
174.19	Section amended	HF 2403.23	J
174.20	Section amended	HF 2403.24	J
174.22	Section amended	HF 2403.25	J
174.23	Section amended	HF 2403.26	J
181.1	Section rewritten	SF 2217.1	E
181.2	Section amended	SF 2217.2	E
181.3	Subsection 1, unnumbered paragraph 1 amended	SF 2217.3	E
181.3	Subsections 2, 3, & 4 amended	SF 2217.4	E
181.4	Section amended	SF 2217.5	E
181.6A	Section amended	SF 2217.6	E
181.7	Section amended	SF 2217.7	E
181.7A	Section amended	SF 2217.8	E
181.8	Section amended	SF 2217.9	E
181.9	Section repealed	SF 2217.18	E
181.10	Section repealed	SF 2217.18	E
181.11	New section	SF 2217.10	E
181.12	Section amended	SF 2217.11	E
181.13*	Section amended	SF 2217.12	E
181.14	Section repealed	SF 2217.18	E
181.15	Section amended	SF 2217.13	E
181.16	Section repealed	SF 2217.18	E
181.18B	Section amended	SF 2217.14	E
181.19	Section rewritten	SF 2217.15	E
181.19A	New section	SF 2217.16	E
185C.1	Subsections 12 & 15 amended	SF 2210.1	J
185C.1	New subsection 14A	SF 2210.2	J
185C.10	Section amended	SF 2210.3	J
185C.11	Section amended	SF 2210.4	J
185C.11A	New section	SF 2210.5	J
185C.26*	Section amended	SF 2210.6	J
185C.29	Unnumbered paragraph 1 amended	SF 2210.7	J
190C.6*	Section amended	SF 2298.394	J
192.101A*	Unnumbered paragraph 1 amended	SF 2208.12	J

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File #</u>	<u>Effective</u>
192.102*	Section amended	SF 2208.13	J
192.110*	Subsection 1 amended	SF 2208.14	J
198.3	New subsection 0A	SF 2208.8	J
198.3	Subsection 3 amended	SF 2208.9	J
198.10	Subsection 1 amended	SF 2208.10	J
202C.1*	Subsection 4 amended	HF 2475.2	E
202C.2*	Subsection 3 amended	HF 2475.3	E
202C.3*	New subsection 3	HF 2475.4	E
203.1*	Subsection 10, unnumbered paragraph 1 amended	SF 2224.1	J
208.16	Subsection 2 amended	SF 2298.228	J
214A.1	Section amended	HF 2208.106	J
214A.2*	Section amended	HF 2208.106	J
216A.1	New subsection 8	SF 2188.2	J
216A.15	Subsection 9 amended	HF 2441.1	J
216A.151	New section	SF 2188.3	J
216A.152	New section	SF 2188.4	J
216A.153	New section	SF 2188.5	J
216A.154	New section	SF 2188.6	J
216A.155	New section	SF 2188.7	J
216A.156	New section	SF 2188.8	J
216A.157	New section	SF 2188.9	J
216A.158	New section	SF 2188.10	J
216A.159	New section	SF 2188.11	J
216A.160	New section	SF 2188.12	J
216B.3*	New subsection 18	HF 2577.10	J
216B.4	Unnumbered paragraph 1 amended	HF 2577.11	J
217.14	New section	SF 2298.146	J
217.30	Subsection 4, new paragraph e	HF 2328.1	J
217.45	New section	SF 2298.147	VETO
218.99	Section amended	HF 2537.33	J
222.2	Section amended	HF 2537.33	J
222.13	Section amended	HF 2537.33	J
222.13A	Section amended	HF 2537.33	J
222.28	Section amended	HF 2537.33	J
222.59	Section amended	HF 2537.33	J
222.60	Section amended	HF 2537.33	J
222.60A	New section	HF 2134.3	R 10/1/03
222.61	Section amended	HF 2537.33	J
222.61	Unnumbered paragraph 1 amended	HF 2537.37	J
222.62	Section amended	HF 2537.33	J
222.62	Section amended	HF 2537.38	J
222.63	Section amended	HF 2537.39	J
222.64	Section amended	HF 2537.33	J
222.64	Section amended	HF 2537.40	J
222.65	Section amended	HF 2537.41	J

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^ - 2003 Acts Extra. Session, Chap. 2

***** - Code Supplement 2003

****** - subsequently amended

******* - subsequently repealed

******** - Code 2005

Section	Action Taken	Hse/Sen File #	Effective
222.67	Section amended	HF 2537.42	J
222.70	Section rewritten	HF 2537.43	J
222.71	Section repealed	HF 2537.55	J
222.72	Section repealed	HF 2537.55	J
222.73	Section amended	HF 2537.33	J
225.11	Section amended	HF 2537.33	J
225.15	Section amended	HF 2537.33	J
225.17	Section amended	HF 2537.33	J
225C.2	Section amended	HF 2537.33	J
225C.2	Subsection 2 amended	HF 2537.4	J
225C.5*	Section amended	HF 2537.33	J
225C.5*	Subsection 1, unnumbered paragraph 1 amended	HF 2537.5	J
225C.6A	New section	HF 2537.34	J
225C.7	Subsection 3 amended	HF 2537.6	J
225C.8	New section	HF 2537.36	J
225C.13	Section amended	SF 2298.393	J
225C.14	Section amended	HF 2537.33	J
225C.16	Section amended	HF 2537.33	J
225C.42*	Subsection 1 amended	HF 2390.1	J
225C.42*	Subsection 2, paragraph a amended	HF 2390.2	J
227.4	Section amended	HF 2537.7	J
227.10	Section amended	HF 2537.33	J
229.1	Section amended	HF 2537.33	J
229.1B	Section amended	HF 2537.33	J
229.11	Section amended	HF 2537.33	J
229.13	Section amended	HF 2537.33	J
229.14	Section amended	HF 2537.33	J
229.14A	Section amended	HF 2537.33	J
229.24	Subsection 3, unnumbered paragraph 1 amended	HF 2537.8	J
229.27	Subsection 1 amended	SF 2298.368**	1/1/05
229.27	Subsection 1 amended	SF 2298.369	1/1/06
229.42	Section amended	HF 2537.33	J
229A.7	Subsection 1 amended	SF 2193.1	J
229A.7	Subsection 1 amended	SF 2272.2	J
229A.7	New subsection 1A	SF 2193.2	J
229A.8A*	Subsection 4 amended	SF 2298.463	E
230.1	Section amended	HF 2537.33	J
230.2	Unnumbered paragraph 1 amended	HF 2537.44	J
230.3	Section amended	HF 2537.45	J
230.4	Section amended	HF 2537.46	J
230.5	Section amended	HF 2537.47	J
230.6	Section amended	HF 2537.48	J
230.9	Section amended	HF 2537.49	J
230.12	Section rewritten	HF 2537.50	J
230.13	Section repealed	HF 2537.55	J
230.14	Section repealed	HF 2537.55	J
230A.2	Section amended	HF 2537.9	J
230A.12*	Unnumbered paragraph 1 amended	SF 2274.182	J
230A.13	Section amended	HF 2537.33	J
230A.16	Unnumbered paragraph 1 amended	HF 2537.10	J
230A.17	Section amended	HF 2537.11	J

Section	Action Taken	Hse/Sen File #	Effective
230A.18	Section amended	HF 2537.12	J
231.44*	Subsection 2 amended	HF 2537.13	J
232.2*	Section amended	HF 2537.33	J
232.2*	Subsection 13 amended	HF 2390.3	J
232.8	Subsection 1, paragraph b amended	SF 297.79	J
232.52*	Subsection 2A amended	HF 2390.4	J
232.52*	Subsection 7 amended	HF 2390.5	J
232.68*	Subsection 4 amended	HF 2390.6	J
232.71B*	Subsection 2 amended	HF 2327.1	J
232.71B*	Subsection 4, paragraph e amended	HF 2327.2	J
232.71D	Subsection 3, paragraph i, subparagraph (5) amended	HF 2208.43	J
232.72*	Subsection 1 amended	HF 2390.7	J
232.76	Section amended	HF 2327.3	J
232.95	Subsection 2, new paragraphs b & c	HF 2207.28	J
232.102*	Subsection 1A amended	HF 2390.8	J
232.102*	Subsection 7 amended	HF 2390.9	J
232.102*	New subsection 13	HF 2390.10	J
232.103*	Subsection 3 amended	HF 2481.1	J
232.103*	Subsection 4 amended	HF 2481.2	J
232.117*	Subsection 4 amended	HF 2390.11	J
232.127*	Subsection 8 amended	HF 2390.12	J
232.141	Subsection 1 amended	SF 2298.148	J
232.141	Subsection 8 amended	HF 2537.51	J
232.143*	Section amended	HF 2390.13	J
232.188*	Subsection 4 amended	HF 2390.14	J
232B.10*	Subsection 1 amended	HF 2207.29	J
234.35*	Subsection 1, paragraph e amended	HF 2390.15	J
234.39	New subsection 6	SF 2298.149**	J
234.39	New subsection 6 stricken	HF 2577.12	J
235.7*	Section amended	HF 2537.33	J
235A.12	Section amended	HF 2328.2	J
235A.13*	Subsection 9 amended	HF 2328.3	J
235A.15*	Subsections 7 & 8 amended	HF 2328.4	J
235A.15*	Subsection 9, unnumbered paragraph 1 amended	HF 2328.5	J
235A.15*	Subsection 9, paragraph c stricken	HF 2328.6	J
235A.15*	New subsections 10, 11, & 12	HF 2328.7**	J
235A.15*	New subsection 10 amended	HF 2390.27	J
235A.24	Section amended	HF 2328.8	J
235B.1	Subsection 4, paragraph a, subparagraph (1) amended	HF 2390.16	J
235B.3*	Subsections 2 & 3 amended	HF 2390.17	J
235B.3*	New subsection 3A	HF 2390.18	J
236.3A	Subsection 1 amended	HF 2533.1	J
236.8	Section amended	HF 2533.2	J
236.11	Unnumbered paragraph 3 amended	HF 2533.3	J
237.5A	New unnumbered paragraph	HF 2390.19	J

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******* - subsequently repealed

******** - Code 2005

Section	Action Taken	Hse/Sen File #	Effective
237A.29*	Subsection 3, paragraph a amended	HF 2208.44	J
239B.2A*	Section repealed	HF 2350.11	J
239B.7	Subsection 8 amended	HF 2350.1	A J
239B.8	Subsection 1, paragraph b amended	HF 2350.2	J
239B.8	Subsection 2, new paragraph j	HF 2350.3	J
239B.9	Subsection 2, paragraphs a & b amended	HF 2350.4	J
249.3	New subsection 4	HF 2134.4	R 10/1/03
249.4	Section amended	HF 2134.5	R 10/1/03
249A.3*	Subsection 11, paragraph c amended	SF 2167.1	J
249A.4*	Subsection 15 amended	HF 2537.14	J
249A.12*	Subsection 2 amended	HF 2208.45	J
249A.12*	Subsection 5, paragraph a, unnumbered paragraph 1 amended	HF 2208.46	J
249A.12*	Subsection 5, paragraph a, unnumbered paragraph 1 amended	HF 2537.15	J
249A.12*	Subsection 5, paragraph a, subparagraph (1) amended	HF 2208.47	J
249A.12*	Subsection 5, paragraph b amended	HF 2537.16	J
249A.21	Subsection 1 amended	HF 2134.6	R 10/1/03
249A.21	New subsection 6	HF 2134.7	R 10/1/03
249A.26	Section amended	HF 2537.33	J
249A.26	New subsection 5	HF 2537.52	J
249A.30	Section amended	HF 2208.48	J
249A.31	Subsection 1 amended	HF 2537.17	J
249A.34	New section	SF 2183.10	VETO
249A.34	New section	SF 2298.150	VETO
249A.34	New section repealed	SF 2298.150	VETO
249A.35	New section	SF 2298.151	E
249G.	Chapter repealed	SF 2183.11	VETO
249H.3	Subsections 1 & 4 amended	HF 2208.49	J
249H.5	Subsection 2, paragraph c, subparagraphs (2) & (3) amended	HF 2208.50	J
249H.5	Subsection 2, paragraph e amended	HF 2208.51	J
249J.1	New section	SF 2183.1	VETO
249J.2	New section	SF 2183.2	VETO
249J.3	New section	SF 2183.3	VETO
249J.4	New section	SF 2183.4	VETO
249J.5	New section	SF 2183.5	VETO
249J.6	New section	SF 2183.6	VETO
249J.7	New section	SF 2183.7	VETO
249J.8	New section	SF 2183.8	VETO
249J.9	New section	SF 2183.9	VETO
252.23	Section amended	HF 2537.53	J
252B.9	New subsection 4	HF 2390.20	J
252H.8	Subsection 4, paragraph b amended	HF 2390.21	J
252H.15	Subsection 2 amended	HF 2390.22	J
252H.19	Subsection 2, unnumbered paragraph 1 amended	HF 2390.23	J
252J.5	Subsection 3 amended	HF 2390.24	J
252J.6	Subsection 2, paragraph a amended	HF 2390.25	J
252J.7	Subsection 1 amended	HF 2390.26	J
255.13*	Section amended	HF 2208.52	J
256.7*	Subsection 3 amended	HF 2559.1	J
256.7*	New subsection 26	SF 2298.229	VETO
256.11	New subsection 15	HF 2241.1	J
256.44	Subsection 7 amended	SF 2298.90	J

Section	Action Taken	Hse/Sen File #	Effective
256A.3*	Subsection 7 amended	HF 2208.53	J
256D.3	Subsection 3 amended	SF 2298.230	VETO
256D.4*	Subsection 2 amended	SF 2298.231	J
256D.5*	New subsection 4	SF 2298.232	J
256D.9*	Section amended	SF 2298.233	J
256D.	Chapter repealed	SF 2298.233	7/1/05
257.8*	Subsection 1 amended	SF 2124.1	VETO
257.8*	Subsection 1 amended	SF 2298.234	A J
257.14	Subsection 3, unnumbered paragraph 1 amended	SF 2298.235	E
257.16	New subsection 5	SF 2124.2	VETO
257.26*	Section amended	HF 2207.30	J
257.35*	New subsections 4 & 5	SF 2124.3	VETO
257.35*	New subsections 4 & 5	SF 2298.236	A J
257B.1B	Subsection 1 amended	SF 2298.92	J
260C.14*	Subsection 20, unnumbered paragraph 1 amended	HF 2208.54	J
260C.18	Subsection 6 amended	HF 2208.55	J
260C.18A*	Subsection 2, unnumbered paragraph 1 amended	SF 2298.370	R 7/1/03
260C.18A*	Subsection 2, unnumbered paragraph 1 amended	SF 2311.8	R 6/30/04
260C.18A*	Subsection 3 amended	SF 2298.330	E
260C.18A*	Subsections 3, 4, & 7 stricken	SF 2311.9	R 6/30/04
260C.18A*	Subsection 6, paragraph d amended	SF 2311.10	R 6/30/04
260C.18A*	New subsection 8	SF 2298.331	E
260C.18A*	New subsection 8 stricken	SF 2311.11	R 6/30/04
260C.18A*	New subsection 9	SF 2311.12	R 6/30/04
260C.18A*	Section repealed	SF 2311.12	6/30/10
260G.4B*	Subsection 1 amended	HF 2207.31	J
261.2	New subsections 7 & 8	HF 2559.2	J
261.9*	Subsection 1, unnumbered paragraph 1 amended	SF 2298.237	J
261.9*	Subsection 1, paragraphs b & c rewritten	SF 2298.238	J
261.9*	Subsection 1, paragraph g, unnumbered paragraph 1 amended	HF 2208.56	J
261.19	Subsection 2 amended	SF 2298.91	J
261.25*	Subsections 1, 2, & 3 amended	SF 2298.93	J
261.37*	Subsection 7 amended	HF 2559.3	J
261B.3	Subsection 1 amended	HF 2559.4	J
261B.3	Subsection 3 stricken	HF 2559.5	J
261B.3A	Section amended	HF 2559.6	J
261B.8	Section amended	HF 2559.7	J
262.2	Section amended	SF 2174.1	J
262.9*	Subsection 18 amended	HF 2418.1	J
262.9*	Subsection 29, unnumbered paragraph 1 amended	HF 2208.57	J
262B.11*	Subsections 1, 2, 3, & 4 amended	HF 2431.1	J
262B.11*	Subsection 5, paragraph b amended	HF 2431.2	J
266.31	Section repealed	SF 2298.283	J
266.39D*	Section repealed	SF 2298.284	J
272C.1	Subsection 6, paragraph z stricken	HF 2489.1	J

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***** - Code Supplement 2003

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******* - subsequently repealed

******** - Code 2005

Section	Action Taken	Hse/Sen File #	Effective
272C.1	Subsection 6, new paragraph ad	SF 2298.430	7/1/05
272C.3*	Subsection 1, paragraph k amended	HF 2577.13	J
272C.3*	Subsection 2, paragraph a amended	HF 2489.2	J
272C.4	Subsection 6 amended	HF 2489.3	J
273.3	New subsection 23	SF 2298.239	VETO
277.4	Unnumbered paragraph 2 amended	HF 2419.1	J
279.12*	Unnumbered paragraph 1 amended	SF 2298.240	VETO
279.20	Section amended	SF 2298.94	J
280.14*	New subsection 3	SF 2298.241	VETO
280.16	New section	SF 2177.1	J
280A.1	New section	SF 2298.242	IV
280A.2	New section	SF 2298.243	VETO
280A.3	New section	SF 2298.244	VETO
280A.4	New section	SF 2298.245	VETO
280A.5	New section	SF 2298.246	VETO
280A.	Chapter repealed	SF 2298.246	VETO
282.9	New section	HF 2460.1	J
282.33*	Subsection 1 amended	HF 2207.32	J
284.10*	Subsection 3 stricken	SF 2298.95	J
284.10*	Subsection 6 amended	SF 2298.96	VETO
284.13*	Subsection 1, paragraphs b & c amended	SF 2298.97	J
284.13*	Subsection 1, paragraphs d & e amended	SF 2298.97	E
284.13*	Subsection 1, new paragraph i	SF 2298.98	J
285.10*	Subsection 7, paragraph b amended	HF 2208.58	J
292.4*	Section amended	HF 2208.59	J
294A.22*	New unnumbered paragraph	SF 2298.99	J
299.6	Unnumbered paragraph 7 stricken	HF 2350.5	J
299.6A	Subsection 1 amended	HF 2350.6	J
299.12	Subsections 2 & 4 amended	HF 2350.7	J
299.12	Subsection 6 stricken	HF 2350.8	J
299.13	Section amended	HF 2350.9	J
301.1*	Subsection 2 amended	HF 2207.33	J
303.3	Section amended	SF 2298.393	J
304A.21*	Section amended	SF 2298.394	J
304A.29*	Section amended	HF 2207.34	J
305.2*	Subsection 1 amended	HF 2572.1	J
305.9*	Subsection 1, paragraph k amended	HF 2208.60	J
306.46	New section	SF 2118.1**	E
306.46	New section, new subsection 3	SF 2298.332	E
314.28	Section amended	SF 2112.3	J
314.28	Section reenacted	SF 2298.435	J
321.1*	Subsection 20B amended	SF 2070.1	E
321.1*	Subsection 32, unnumbered paragraph 1 amended	SF 297.80	J
321.15	Section amended	SF 2070.2	1/1/05
321.20*	Section amended	SF 2070.3	1/1/05
321.20A	Subsection 1 amended	SF 2070.4	1/1/05
321.23A	New section	SF 2289.1	J
321.24*	Subsections 3, 7, 8, & 11 amended	SF 2070.5	1/1/05
321.31*	Subsection 2, unnumbered paragraph 1 amended	SF 2070.6	1/1/05
321.34*	Subsection 11, paragraphs c & d amended	SF 2298.333	1/1/05
321.34*	Subsection 11, paragraph d amended	SF 2070.7	1/1/05

Section	Action Taken	Hse/Sen File #	Effective
321.34*	Subsection 11A, paragraph d amended	SF 2070.8	1/1/05
321.34*	Subsection 11B, paragraph d amended	SF 2070.9	1/1/05
321.34*	Subsection 23, paragraph d amended	SF 2070.10	1/1/05
321.42	Subsection 2, paragraph b amended	SF 2070.11	1/1/05
321.45*	Subsection 2, paragraph a amended	SF 2070.12	1/1/05
321.46	Subsection 1 amended	SF 2070.13	1/1/05
321.46	Subsection 3, paragraph f stricken	SF 2070.14	E
321.47	Unnumbered paragraph 1 amended	SF 2289.2	J
321.50*	Subsection 1 amended	SF 2289.3	J
321.50*	Subsections 1, 2, 3, & 4 amended	SF 2070.15	1/1/05
321.50*	Subsection 6, unnumbered paragraph 2 amended	SF 2070.16	1/1/05
321.50*	Subsection 7 amended	SF 2070.17	1/1/05
321.69*	Subsections 1, 2, 3, 4, 7, 8, & 9 amended	SF 2253.1	J
321.74	Section amended	SF 2070.18	1/1/05
321.91	Subsection 2 amended	HF 2207.35	J
321.101	Subsection 2 amended	SF 2070.19	1/1/05
321.109	Subsection 1, unnumbered paragraph 1 amended	SF 2070.20	1/1/05
321.126	Subsection 6, paragraph b stricken	SF 2070.21	E
321.131	Section amended	SF 2070.22	1/1/05
321.134	Subsection 1 amended	SF 2289.4	J
321.134	New subsection 5	SF 2070.23	E
321.149*	Section amended	SF 2070.24	1/1/05
321.152	Subsection 4 amended	SF 2070.25	1/1/05
321.153	Unnumbered paragraph 1 amended	SF 2070.26	1/1/05
321.160	Section amended	SF 2070.27	1/1/05
321.174	Subsection 3 amended	HF 2572.2	J
321.179	New section	HF 2394.1	VETO
321.188	Subsection 3 amended	SF 2070.28	E
321.210B*	Section amended	HF 2207.36	J
321.215	Subsection 1, unnumbered paragraph 2 amended	SF 2148.1	VETO
321.215	Subsection 2, unnumbered paragraph 1 amended	SF 2148.2	VETO
321.234A	Section amended	SF 297.81	J
321.235A	Unnumbered paragraph 1 amended	SF 2070.29	E
321.372A	Section amended	SF 2154.1	J
321.445	Subsection 2, unnumbered paragraph 1 amended	SF 2066.1	J
321.446	Subsections 1, 2, & 4 amended	SF 2066.2	J
321.446	New subsection 7	SF 2066.3	J
321G.1	Subsection 1 rewritten	SF 297.1	J
321G.1	Subsections 4, 7, 10, 11, 12, 15, 17, & 19 amended	SF 297.2	J
321G.2	Section amended	SF 297.3	J
321G.3	Section amended	SF 297.4	J
321G.4*	Section amended	SF 297.5	A J
321G.5	Section amended	SF 297.6	J
321G.6	Section amended	SF 297.7	J
321G.7	Section amended	SF 297.8	J

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321G.8	Section amended	SF 297.9	J
321G.9	Unnumbered paragraph 1 amended	SF 297.10	J
321G.9	Subsections 1, 2, & 3 amended	SF 297.11	J
321G.9	Subsection 4, unnumbered paragraph 1 amended	SF 297.12	J
321G.9	Subsection 4, paragraph d amended	SF 297.13	J
321G.9	Subsection 4, paragraph f stricken	SF 297.14	J
321G.9	Subsections 6 & 7 amended	SF 297.15	J
321G.10	Section amended	SF 297.16	J
321G.11	Subsections 1 & 2 amended	SF 297.17	J
321G.12	Section amended	SF 297.18	J
321G.13	Subsection 1, unnumbered paragraph 1 amended	SF 297.19	J
321G.13	Subsection 1, paragraphs g & h amended	SF 297.20	J
321G.13	Subsection 2 amended	SF 297.21	J
321G.13	Subsection 3 stricken	SF 297.22	J
321G.14	Section amended	SF 297.23	J
321G.15	Section amended	SF 297.24	J
321G.16	Section amended	SF 297.25	J
321G.17	Section amended	SF 297.26	J
321G.18	Section amended	SF 297.27	J
321G.19*	Section amended	SF 297.28	J
321G.20	Unnumbered paragraph 2 stricken	SF 297.29	J
321G.21	Subsections 1, 3, 6, 8, 9, & 10 amended	SF 297.30	J
321G.22	Section amended	SF 297.31	J
321G.22A*	Section repealed	SF 297.96	J
321G.23	Subsections 1 & 4 amended	SF 297.32	J
321G.24	Subsections 1, 2, 4, & 5 amended	SF 297.33	J
321G.25	Section amended	SF 297.34	J
321G.26	Section amended	SF 297.35	J
321G.27	Section amended	SF 297.36	J
321G.28	Section amended	SF 297.37	J
321G.29	Section amended	SF 297.38	J
321G.30	Subsection 5 amended	SF 297.39	J
321G.31	Section amended	SF 297.40	J
321G.32	Subsection 1, unnumbered paragraph 1 amended	SF 297.41	J
321G.32	Subsection 1, paragraph b amended	SF 297.42	J
321G.33*	Section amended	SF 297.43	J
321I.1	New section	SF 297.44	J
321I.2	New section	SF 297.45	J
321I.3	New section	SF 297.46	J
321I.4	New section	SF 297.47	A J
321I.5	New section	SF 297.48	J
321I.6	New section	SF 297.49	J
321I.7	New section	SF 297.50	J
321I.8	New section	SF 297.51	J
321I.9	New section	SF 297.52	J
321I.10	New section	SF 297.53**	J
321I.10	New section, new subsection 2A	SF 2298.371	J
321I.11	New section	SF 297.54	J
321I.12	New section	SF 297.55	J
321I.13	New section	SF 297.56	J
321I.14	New section	SF 297.57	J

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File #</u>	<u>Effective</u>
321I.15	New section	SF 297.58	J
321I.16	New section	SF 297.59	J
321I.17	New section	SF 297.60	J
321I.18	New section	SF 297.61	J
321I.19	New section	SF 297.62	J
321I.20	New section	SF 297.63	J
321I.21	New section	SF 297.64	J
321I.22	New section	SF 297.65	J
321I.23	New section	SF 297.66	J
321I.23A	New section	SF 297.67	J
321I.24	New section	SF 297.68	J
321I.25	New section	SF 297.69	J
321I.26	New section	SF 297.70	J
321I.27	New section	SF 297.71	J
321I.28	New section	SF 297.72	J
321I.29	New section	SF 297.73	J
321I.30	New section	SF 297.74	J
321I.31	New section	SF 297.75	J
321I.32	New section	SF 297.76	J
321I.33	New section	SF 297.77	J
321I.34	New section	SF 297.78	J
321J.1A	Subsection 2 amended	SF 2070.30	1/1/05
321J.10A	New section	HF 265.1	J
321M.9*	Subsection 1 amended	HF 2433.1	J
321M.9*	New subsection 4	HF 2433.2	J
322.5	Subsection 2, paragraph a, subparagraph (2) amended	HF 2403.28	J
322.13	Subsection 1 amended	SF 2070.31	1/1/05
322B.2	Subsection 8 amended	HF 2208.61	J
322D.1*	Subsection 1 amended	SF 297.82	J
322F.1*	Subsection 1 amended	HF 2208.62	J
322F.1*	Subsection 2 amended	SF 297.83	J
322F.7*	Subsection 7, paragraph a, subparagraph (1) amended	HF 2208.63	J
326.15	Section rewritten	SF 2070.32	E
327F.38	New section	SF 2298.334	J
331.210A	Subsection 2, new paragraph f	HF 2404.1	E
331.231	Subsections 5 & 6 amended	HF 2404.2	E
331.232	Subsection 1 amended	HF 2404.3	A E
331.232	Subsection 3 amended	HF 2404.4	A E
331.233A	Subsections 1 & 2 amended	HF 2404.5	A E
331.234	Subsection 4 amended	HF 2404.6	E
331.234	New subsection 5	HF 2404.7	E
331.235	Section amended	HF 2404.8	A E
331.237	Subsection 1 amended	HF 2404.9	E
331.237	New subsection 4	HF 2404.10	E
331.238	New subsection 4	HF 2404.11	E

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IV - part of bill section vetoed

VETO - entire bill section vetoed

00/00/00 - specified effective date

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^ - 2003 Acts Extra. Session, Chap. 2

***** - Code Supplement 2003

****** - subsequently amended

******* - subsequently repealed

******** - Code 2005

Section	Action Taken	Hse/Sen File #	Effective
331.244	New subsection 3	HF 2404.12	E
331.245	New unnumbered paragraph	HF 2404.13	E
331.247	Section amended	HF 2404.14	E
331.248	Subsection 1 amended	HF 2404.15	E
331.248	Subsection 2 amended	HF 2404.16	E
331.248	New subsection 4	HF 2404.17	E
331.249	Section amended	HF 2404.18	E
331.250	Section amended	HF 2404.19	E
331.251	Section amended	HF 2404.20	E
331.252	Section amended	HF 2404.21	E
331.254	Unnumbered paragraph 1 amended	HF 2404.22	E
331.254	Subsection 6 stricken	HF 2404.23	E
331.257	New section	HF 2404.24	E
331.260	Subsection 2 amended	HF 2404.25	E
331.261	Subsection 2 amended	HF 2404.26	E
331.261	Unnumbered paragraph 2 amended	HF 2404.27	E
331.262	New subsections 1A, 1B, 1C, 1D, 1E, 1F, & 1G	HF 2404.28	E
331.301	New subsection 16	HF 2569.1	J
331.302*	Subsection 2 amended	HF 2530.1	J
331.303	Subsection 5 stricken	HF 2403.27	J
331.304	Subsection 10 amended	HF 2207.37	J
331.362*	Subsection 5 amended	SF 2298.335	VETO
331.362*	Subsection 9 amended	SF 297.84	J
331.385	Subsections 2 & 3 amended	HF 2560.1	J
331.385	New subsection 5	HF 2560.2	J
331.424A*	Subsection 1 amended	HF 2537.18	J
331.424C*	Section amended	HF 2560.3	J
331.427*	Section amended	SF 2298.394	J
331.427*	Subsection 1, unnumbered paragraph 1 amended	SF 297.85	J
331.438	Subsection 1, paragraph c amended	HF 2537.19	J
331.438	Subsection 1, new paragraph cc	HF 2537.20	J
331.438	Subsection 4, paragraph a amended	HF 2537.21	J
331.438	Subsection 4, paragraph b, unnumbered paragraph 1 amended	HF 2537.22	J
331.438	Subsection 4, paragraph b, subparagraphs (6) & (9) amended	HF 2537.23	J
331.438	Subsection 4, paragraph b, new subparagraph (16)	SF 2298.174	J
331.439	Section amended	HF 2537.33	J
331.439	Subsection 1, unnumbered paragraph 1 amended	HF 2537.24	J
331.439	Subsection 1, paragraph b, unnumbered paragraph 1 amended	HF 2537.25	J
331.439	Subsection 1, paragraph b, subparagraph (1) amended	HF 2537.26	J
331.439	Subsect. 1, para. c, subpara. (2), unnumbered para. 1 amended	HF 2537.27	J
331.439	Subsection 1, paragraph d amended	HF 2537.28	J
331.439	Subsection 3, paragraph b amended	HF 2537.29	J
331.440	Section amended	HF 2537.30	J
331.440A	Section amended	HF 2537.33	J
331.440A	Subsection 6, paragraph c, subparagraph (1) amended	HF 2208.64	J
331.441	Section amended	SF 2298.393	J
331.441	Subsection 2, paragraph b, new subparagraph (15)	SF 2284.6	J
331.461	Subsection 2, new paragraph h	SF 2284.7	J
331.507	Subsection 2, paragraph a amended	HF 2544.1	J
331.552*	New subsection 35	SF 2289.5	J
331.553*	Subsection 4 amended	SF 2289.6	J

Section	Action Taken	Hse/Sen File #	Effective
331.559*	Subsection 1 amended	HF 2207.38	J
331.601A	New section	SF 371.1	J
331.602*	Subsection 1 rewritten	SF 371.2	J
331.602*	Subsection 16 amended	SF 297.86	J
331.602*	Subsection 29 amended	HF 2207.39	J
331.605	New subsection 4A	SF 297.87	J
331.605	Subsection 6 amended	HF 2455.1	VETO
331.605A	Unnumbered paragraph 1 amended	SF 2270.1	J
331.605C*	Subsections 2, 3, & 4 amended	SF 2270.2	E
331.605C*	Subsection 5 stricken	SF 2270.3	E
331.606B	New section	SF 371.3**	J
331.606B	New section, subsection 4, paragraph a amended	SF 2298.372	J
331.608*	Subsection 6, paragraph e amended	SF 2270.4	J
331.608*	Subsection 6, paragraph f stricken	SF 2270.5	J
331.653*	Subsection 63 amended	SF 2272.3	J
331.658	Subsection 3 amended	HF 2471.1	E
331.756*	Subsection 63 amended	HF 2207.40	J
335.2A	New section	HF 2479.1	VETO
335.31*	Section repealed	HF 2207.95	J
346.27*	Subsection 10, unnumbered paragraph 1 amended	SF 2298.247	E
346.27*	Subsection 25, unnumbered paragraph 2 amended	SF 2298.248	E
347.13	Subsection 9 amended	HF 2381.1	J
350.5	Section amended	SF 297.88	J
356.1	Unnumbered paragraph 2 amended	HF 2471.2	E
356.7*	Subsection 1 amended	HF 2207.41	J
356.15	Section amended	HF 2471.3	E
357A.2	Section amended	SF 2298.393	J
357A.11	Section amended	SF 2298.393	J
357A.15*	Section amended	SF 2298.394	J
357A.20	Section amended	SF 2298.393	J
357A.21	Section amended	SF 2298.393	J
357A.22A	Section amended	SF 2298.393	J
357A.23	Section amended	SF 2298.393	J
357A.24	Section amended	SF 2298.393	J
357B.5	Subsection 1 amended	HF 2560.4	A J
357H.1	Subsection 1 amended	HF 2383.1	VETO
359.42	Section amended	HF 2560.5	J
359A.18	Section amended	HF 2208.106	J
364.3*	Subsection 2 amended	HF 2530.2	J
368.4*	Section amended	HF 2207.42	J
368.26*	Unnumbered paragraph 3 amended	HF 2207.43	J
372.1	New subsections 7 & 8	HF 2404.29	E
372.2	Unnumbered paragraph 1 amended	HF 2404.30	E
372.4*	Subsection 3 amended	HF 2207.44	J
372.13	Subsection 10 amended	SF 2298.249	J

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VETO - entire bill section vetoed

00/00/00 - specified effective date

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^ - 2003 Acts Extra. Session, Chap. 2

***** - Code Supplement 2003

****** - subsequently amended

******* - subsequently repealed

******** - Code 2005

Section	Action Taken	Hse/Sen File #	Effective
376.11	Unnumbered paragraphs 1, 3, 4, & 5 amended	HF 593.17	VETO
384.12	Subsection 10 amended	SF 2284.8	J
384.38	Subsection 2 amended	HF 2208.65	J
388.10	Section amended	SF 2244.2	A J
388.10	Subsection 2, paragraph a amended	SF 2187.2	J
388.10	Subsection 2, new paragraph d	SF 2187.3	J
400.8	Subsection 1 amended	HF 2262.63	J
404.2	Subsection 2, paragraph h, unnumbered paragraph 1 amended	SF 2291.1	A E
404.3	New subsection 4A	SF 2291.2	A E
404.3	Subsections 5 & 6 amended	SF 2291.3	A E
404.3B	New section	SF 2291.4	A E
404A.2	Unnumbered paragraph 1 amended	SF 2298.250	R 7/1/02
404A.4	Subsection 4 amended	HF 401.1**	J
404A.4*	Subsection 4 amended	SF 2298.395	J
411.5	New subsection 14	HF 2262.64	J
411.6	Subsection 7, unnumbered paragraph 1 amended	HF 2262.65	J
411.6	Subsection 7, paragraph a, unnumbered paragraph 2 amended	HF 2262.66	J
411.6	Subsection 7, paragraph c amended	HF 2262.57	J
411.6B	Subsection 1 amended	HF 2262.67	R 1/1/02
411.22	Subsection 1, paragraph b amended	HF 2262.68	J
411.31	Subsection 1, new paragraph e	HF 2262.69	J
411.31	Subsection 2 amended	HF 2262.70	J
411.31	Subsection 4 amended	HF 2262.71	J
411.36	Subsection 1, paragraph c amended	HF 2262.72	J
414.23	Unnumbered paragraph 2 amended	HF 2145.1	J
414.29*	Section repealed	HF 2207.95	J
421.1*	Subsection 4, new unnumbered paragraph	SF 2296.3	J
421.17*	New subsection 28	HF 2302.56	J
421.17*	New subsection 28	SF 2296.4	J
421.17A*	Subsection 2, paragraph a amended	SF 2296.5	J
421.17A*	Subsection 3 amended	SF 2296.6	J
421.17A*	Subsection 5, paragraph c, subparagraph (7) amended	SF 2296.7	J
421.17A*	Subsection 6 amended	SF 2296.8	J
421.17A*	Subsection 8, paragraphs b, c, & f amended	SF 2296.9	J
421.17A*	Subsection 8, new paragraphs g & h	SF 2296.10	J
421.17B*	Subsection 2, paragraph a amended	SF 2296.11	J
421.17B*	Subsection 3 amended	SF 2296.12	J
421.17B*	Subsection 6, paragraph c, subparagraph (7) amended	SF 2296.13	J
421.17B*	Subsection 8, paragraphs a, b, c, & f amended	SF 2296.14	J
421.17B*	Subsection 8, new paragraphs g & h	SF 2296.15	J
421.17B*	Subsection 9, unnumbered paragraph 2 amended	SF 2296.16	J
422.3*	Section 5 amended	HF 2581.37	R 1/1/03
422.7*	New subsection 32A	SF 2303.1	VETO
422.7*	Subsection 38 amended	HF 2208.66	J
422.7*	Section 39 amended	HF 2581.38	R 5/6/03
422.10*	Subsection 3, unnumbered paragraph 2 amended	SF 2296.17	J
422.11	Section amended	HF 2484.46	J
422.11J	New section	HF 2561.1	VETO
422.11J	New section	SF 2298.404	R 1/1/04
422.11J	New section	SF 2295.1**	VETO
422.11J	New section, subsection 5, paragraph a amended	SF 2298.336	VETO

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File #</u>	<u>Effective</u>
422.12D*	Subsection 4 amended	HF 2207.45	J
422.12A*	Subsections 2 & 3 amended	SF 2112.4	J
422.12A*	Section reenacted	SF 2298.436	R 1/1/04
422.12E*	Section amended	SF 2298.437	E
422.12F	New section	SF 2298.438	R 1/1/04
422.15	Section amended	HF 2347.117	1/1/06
422.15	Subsection 2 amended	HF 2347.110	1/1/05
422.16*	Subsection 9 amended	HF 2207.46	J
422.32*	Subsection 7 amended	HF 2581.39	R 1/1/03
422.33*	Subsection 5, paragraph d, unnumbered paragraph 2 amended	SF 2296.18	J
422.33*	New subsection 16	HF 2561.2	VETO
422.33*	New subsection 16	SF 2298.405	R 1/1/04
422.35*	Subsection 18 amended	HF 2207.47	J
422.35*	Subsection 19 amended	HF 2581.40	R 5/6/03
422.42	Subsection 4 amended	HF 2208.67	J
422.42	Subsection 6, new paragraph c	SF 2296.19**	E R 1/1/97
422.42	Subsection 6, new paragraph c void	SF 2296.53	J
422.45*	Section amended	SF 2298.394	J
422.45*	Subsection 50 amended	HF 2403.29	J
422.60*	New subsection 9	SF 2298.406	R 1/1/04
422.70	Subsection 3 amended	HF 2207.48	J
422A.1*	Unnumbered paragraph 8 amended	SF 2296.20	J
422B.9*	Subsection 3, paragraph a amended	SF 2296.21	J
422E.1*	Subsection 2 amended	SF 2298.251	J
422E.2*	Subsection 4, paragraph a amended	SF 2298.252	E
422E.2*	Subsection 5, paragraphs a & b amended	SF 2298.253	E
422E.3*	Subsection 1 amended	SF 2298.254	J
422E.3A*	Subsection 2, paragraph a amended	SF 2298.255	J
422E.3A*	Subsection 2, paragraph b, subparagraphs (1) & (3) amended	SF 2298.256	J
422E.3A*	Subsection 2, paragraph b, subparagraph (3) amended	HF 2208.68	J
422E.3A*	Subsection 2, paragraph b, subparagraph (4) stricken	SF 2298.257	J
422E.4*	Unnumbered paragraph 1 amended	SF 2298.258	J
422E.5	Subsection 3 amended	HF 2208.69	J
423.1^	Subsection 47, paragraph b, new subparagraph (5)	SF 2296.22	J
423.1^	Subsection 47, new paragraph c	SF 2296.23	J
423.2^	Subsection 6, unnumbered paragraph 2 amended	SF 2296.24	J
423.2^	New subsection 11	SF 2296.25	J
423.3^	Subsections 2 & 37 amended	SF 2298.320	J
423.3^	Subsection 31, paragraph a amended	SF 2187.4	J
423.3^	Subsection 33 amended	HF 2208.105	J
423.3^	Subsections 33 & 82 amended	SF 2296.26	J
423.3^	New subsection 43A	SF 2296.27	J
423.3^	New subsection 84	SF 2026.1	J
423.3^	New subsection 84	SF 2121.1	VETO
424.3	Subsection 1, new unnumbered paragraph	SF 2296.28	J

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Section	Action Taken	Hse/Sen File #	Effective
424.19*	Section amended	SF 2298.46	J
424.	Chapter repealed	SF 2298.46	6/30/16
425.11	Section amended	SF 2298.393	J
425.23*	Subsection 3, paragraph a amended	HF 2207.49	J
425A.6*	Section amended	HF 2207.50	J
425A.7*	Section amended	HF 2207.51	J
426.7*	Section amended	HF 2207.52	J
426.8*	Section amended	HF 2207.53	J
426A.4*	Section amended	HF 2207.54	J
426A.7*	Section amended	HF 2208.70	J
426B.4	Section amended	HF 2537.31	J
426B.5*	Subsection 2, paragraph c amended	HF 2537.32	J
432.1*	Subsection 6, paragraph b, unnumbered paragraph 1 amended	SF 2298.337	E
432.1*	Subsection 6, paragraph c, unnumbered paragraph 1 amended	SF 2298.338	E
432.5*	Section amended	HF 2489.4	J
432.12E	New section	SF 2298.407	R 1/1/04
434.22*	Section amended	HF 2207.55	J
435.1	Subsection 7 amended	HF 2208.71	J
437.10*	Section amended	HF 2207.56	J
437A.3*	Subsection 18 amended	HF 2541.1	R 1/1/04
437A.6	Subsection 1, paragraph c amended	SF 2298.408	R 1/1/04
437A.15*	Subsection 3, paragraph e amended	HF 2541.2	R 1/1/04
437A.19*	Subsection 2, paragraph f, unnumbered paragraph 5 amended	HF 2541.3	R 1/1/04
438.15*	Section amended	HF 2207.57	J
441.21*	Subsection 2 amended	SF 2296.29	J
441.23*	Section amended	HF 2208.72	J
441.26*	Unnumbered paragraph 4 amended	HF 2207.58	J
441.29	Section amended	HF 2544.2	J
445.37	Unnumbered paragraph 4 amended	SF 2289.7	J
446.16	Subsection 2 amended	SF 2289.8	J
446.19A	Subsection 2 amended	SF 2291.5	A E
446.19A	Subsection 4, paragraph a amended	SF 2291.6	A E
446.19A	Subsection 5 amended	SF 2291.7	A E
447.9	Subsection 1 amended	SF 2291.8	A E
450.22	Section amended	SF 2296.30	J
450.37*	Subsection 2, paragraph a amended	SF 2296.31	J
450.53*	Subsections 1 & 2 amended	SF 2296.32	J
450.58*	Section amended	SF 2296.33	J
450.94*	Subsection 2 amended	SF 2296.34	J
452A.2*	Section amended	HF 2208.106	J
452A.3	New subsection 7	SF 2296.35	J
453A.3	Subsection 1, paragraph c stricken	HF 2207.59	J
453A.6	New subsection 6	SF 2296.36	J
453A.8	Subsection 3, unnumbered paragraph 1 amended	HF 2207.60	J
453A.11	Section amended	SF 2296.37	J
453A.15	Subsection 1 amended	SF 2296.38	J
453A.28	Section amended	SF 2296.39	J
453A.31	Subsection 1, paragraphs c, d, & e amended	SF 2296.40	J
453A.31	Subsection 2, paragraphs b & c amended	SF 2296.41	J
453A.32	Subsections 1, 4, & 5 amended	SF 2296.42	J
453A.36	New subsection 9	SF 2296.43	J

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File #</u>	<u>Effective</u>
453A.39	New section	SF 2296.44	J
453A.43	New subsection 6	SF 2296.45	J
453A.45	Subsection 1, unnumbered paragraph 2 amended	SF 2296.46	J
453A.45	Subsections 2, 3, & 4 amended	SF 2296.47	J
453A.46	Subsections 1 & 6 amended	SF 2296.48	J
453B.3	New unnumbered paragraph	SF 2296.49	J
453D.5*	Subsection 3 amended	HF 2208.73	J
455A.4*	Subsection 1, paragraph b amended	SF 297.89	J
455A.5	Subsection 6, paragraphs a, b, & d amended	SF 297.90	J
455B.105*	Subsections 6 & 8 amended	HF 2207.61	J
455B.107*	Section amended	HF 2207.62	J
455B.133	Subsection 3 amended	HF 2523.1	VETO
455B.133	Subsection 4, unnumbered paragraph 1 amended	HF 2523.2	VETO
455B.133	Subsection 10 amended	HF 2392.1	J
455B.133A	New section	HF 2523.3	VETO
455B.151	Section repealed	HF 2207.95	J
455B.172	Subsection 5, unnumbered paragraph 2 amended	HF 2208.74	J
455B.172	Subsection 5 amended	HF 2551.11	J
455B.173	Section amended	HF 2208.106	J
455B.173	Subsection 10 stricken	HF 2551.12	J
455B.174	Subsection 4, new paragraph e	SF 2298.260	J
455B.306	Subsection 3 amended	HF 2517.1	J
455B.307B	New section	HF 2352.1	J
455B.310	New subsection 10	SF 2298.261	VETO
455B.412	Subsection 5 stricken	HF 2517.2	J
455B.423	Subsection 1 amended	HF 2207.63	J
455B.474	Section amended	HF 2208.106	J
455B.751	New section	HF 2484.75	E
455B.751	New section	SF 2230.1	VETO
455B.752	New section	HF 2484.76	E
455B.752	New section	SF 2230.2	VETO
455B.753	New section	HF 2484.77	E
455B.753	New section	SF 2230.3	VETO
455B.754	New section	HF 2484.78	E
455B.754	New section	SF 2230.4	VETO
455D.11	New subsection 9	HF 2351.1	J
455D.11C	Subsections 2 & 3 rewritten	HF 2549.1	J
455D.11D	Section repealed	HF 2549.2	J
455D.11E	Section repealed	HF 2549.2	J
455D.11F	Section repealed	HF 2549.2	J
455D.11H	Section repealed	HF 2549.2	J
455D.19	Section amended	HF 2208.106	J
455D.19	Subsection 4, unnumbered paragraph 2 amended	HF 2208.75	J
455D.20	Section repealed	HF 2517.3	J
455E.11*	Subsection 2, paragraph e amended	HF 2207.64	J

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***** - Code Supplement 2003

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******* - subsequently repealed

******** - Code 2005

Section	Action Taken	Hse/Sen File #	Effective
455E.11*	Subsection 2, paragraph e, subparagraph (7) stricken	SF 2208.5	J
455G.2	New subsections 0A & 0B	HF 2401.1**	E
455G.2	New subsections 0A & 0B stricken	HF 2401.5	12/31/06
455G.3*	Subsection 3, new paragraph e	HF 2401.2**	E
455G.3*	Subsection 3, new paragraph e stricken	HF 2401.5	12/31/06
455G.5*	Unnumbered paragraph 2 amended	HF 2207.65	J
455G.9*	Subsection 1, new paragraph I	HF 2401.3**	E
455G.9*	Subsection 1, new paragraph I stricken	HF 2401.5	12/31/06
455G.23	New section	HF 2401.4	E
455G.23	New section repealed	HF 2401.4	12/31/06
455H.204	Subsection 2, paragraph d amended	HF 2208.76	J
456A.14	Section amended	SF 297.91	J
456A.16*	Unnumbered paragraph 7 amended	HF 2207.66	J
456A.24	Subsection 12 amended	SF 297.92	J
456A.37	Section rewritten	HF 2357.1	J
459.102*	Subsection 12, paragraph a amended	HF 2208.77	J
459.207	Section rewritten	HF 2523.4	VETO
459.307*	Section amended	HF 2208.106	J
459.401*	Subsection 2, paragraph a, subparagraph (3) amended	HF 2208.78	J
468.126	Subsection 1, paragraph c amended	HF 2315.1	J
468.126	Subsection 2 amended	HF 2315.2	J
468.126	Subsection 4, paragraph a amended	HF 2315.3	J
468.315	Section amended	HF 2225.1	E
476.1	Section amended	SF 2298.393	J
476.6*	Subsection 10, unnumbered paragraph 2 amended	SF 2240.1	J
476.27	Section amended	SF 2298.393	J
476.33*	Subsection 4 amended	SF 2240.2	J
476.53*	Subsection 4, paragraph b amended	HF 2207.67	J
476B.1	New section	SF 2298.409	R 1/1/04
476B.2	New section	SF 2298.410	R 1/1/04
476B.3	New section	SF 2298.411	R 1/1/04
476B.4	New section	SF 2298.412	R 1/1/04
476B.5	New section	SF 2298.413	R 1/1/04
476B.6	New section	SF 2298.414	R 1/1/04
476B.7	New section	SF 2298.415	R 1/1/04
476B.8	New section	SF 2298.416	R 1/1/04
476B.9	New section	SF 2298.417	R 1/1/04
480.3	Section amended	SF 2298.393	J
481A.122	Section amended	HF 2366.1	J
481A.123	New subsections 3 & 4	HF 2393.1	E
481A.130*	Subsection 1, paragraph g rewritten	HF 2186.1	J
481A.134	Section amended	SF 2213.1	J
481A.142	Subsection 5 amended	HF 2282.1	J
483A.20*	Section amended	HF 2281.1	E
483A.24	Subsection 2, paragraph a, subparagraph (2) amended	HF 2432.1	VETO
483A.24	Subsection 2, paragraphs b & c amended	HF 2432.2	VETO
483A.24	Subsection 2, paragraph d amended	HF 2432.3	VETO
483A.24A*	Subsection 2, paragraph c amended	HF 2207.68	J
486A.901	Section amended	HF 2347.117	1/1/06
486A.901	Subsection 3 amended	HF 2347.111	1/1/05
486A.902	Section amended	HF 2347.117	1/1/06

Section	Action Taken	Hse/Sen File #	Effective
486A.902	Subsection 5 amended	HF 2347.112	1/1/05
486A.906	Section amended	HF 2347.117	1/1/06
486A.906	Subsection 4 amended	HF 2347.113	1/1/05
487.1401	New section	HF 2347.114	1/1/05
487.	Chapter repealed	HF 2347.114	1/1/06
488.101	New section	HF 2347.1	1/1/05
488.102	New section	HF 2347.2**	1/1/05
488.102	New section, subsection 10, paragraph a, subparagraph (2) amended	SF 2298.373	J
488.102	New section, subsection 12, paragraph a, subparagraph (2) amended	SF 2298.374	J
488.102	New section, subsection 13 amended	SF 2298.375	J
488.103	New section	HF 2347.3	1/1/05
488.104	New section	HF 2347.4	1/1/05
488.105	New section	HF 2347.5	1/1/05
488.106	New section	HF 2347.6	1/1/05
488.107	New section	HF 2347.7	1/1/05
488.108	New section	HF 2347.8	1/1/05
488.109	New section	HF 2347.9	1/1/05
488.110	New section	HF 2347.10	1/1/05
488.111	New section	HF 2347.11	1/1/05
488.112	New section	HF 2347.12	1/1/05
488.113	New section	HF 2347.13	1/1/05
488.114	New section	HF 2347.14	1/1/05
488.115	New section	HF 2347.15	1/1/05
488.116	New section	HF 2347.16	1/1/05
488.117	New section	HF 2347.17	1/1/05
488.118	New section	HF 2347.18	1/1/05
488.201	New section	HF 2347.19	1/1/05
488.202	New section	HF 2347.20**	1/1/05
488.202	New section, subsection 3, unnumbered paragraph 1 amended	SF 2298.376	J
488.203	New section	HF 2347.21	1/1/05
488.204	New section	HF 2347.22	1/1/05
488.205	New section	HF 2347.23	1/1/05
488.206	New section	HF 2347.24	1/1/05
488.207	New section	HF 2347.25	1/1/05
488.208	New section	HF 2347.26	1/1/05
488.209	New section	HF 2347.27**	1/1/05
488.209	New section, subsection 1, paragraph c amended	SF 2298.377	J
488.209	New section, subsection 2, paragraph c amended	SF 2298.378	J
488.210	New section	HF 2347.28	1/1/05
488.301	New section	HF 2347.29	1/1/05
488.302	New section	HF 2347.30	1/1/05
488.303	New section	HF 2347.31	1/1/05
488.304	New section	HF 2347.32	1/1/05

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Section	Action Taken	Hse/Sen File #	Effective
488.305	New section	HF 2347.33	1/1/05
488.306	New section	HF 2347.34	1/1/05
488.401	New section	HF 2347.35	1/1/05
488.402	New section	HF 2347.36	1/1/05
488.403	New section	HF 2347.37	1/1/05
488.404	New section	HF 2347.38	1/1/05
488.405	New section	HF 2347.39	1/1/05
488.406	New section	HF 2347.40	1/1/05
488.407	New section	HF 2347.41	1/1/05
488.408	New section	HF 2347.42	1/1/05
488.501	New section	HF 2347.43	1/1/05
488.502	New section	HF 2347.44	1/1/05
488.503	New section	HF 2347.45	1/1/05
488.504	New section	HF 2347.46	1/1/05
488.505	New section	HF 2347.47	1/1/05
488.506	New section	HF 2347.48	1/1/05
488.507	New section	HF 2347.49	1/1/05
488.508	New section	HF 2347.50**	1/1/05
488.508	New section, subsection 6 amended	SF 2298.379	J
488.509	New section	HF 2347.51	1/1/05
488.601	New section	HF 2347.52	1/1/05
488.602	New section	HF 2347.53	1/1/05
488.603	New section	HF 2347.54	1/1/05
488.604	New section	HF 2347.55	1/1/05
488.605	New section	HF 2347.56	1/1/05
488.606	New section	HF 2347.57	1/1/05
488.607	New section	HF 2347.58	1/1/05
488.701	New section	HF 2347.59	1/1/05
488.702	New section	HF 2347.60	1/1/05
488.703	New section	HF 2347.61**	1/1/05
488.703	New section, subsection 1 amended	SF 2298.380	J
488.704	New section	HF 2347.62	1/1/05
488.801	New section	HF 2347.63	1/1/05
488.802	New section	HF 2347.64	1/1/05
488.803	New section	HF 2347.65	1/1/05
488.804	New section	HF 2347.66	1/1/05
488.805	New section	HF 2347.67	1/1/05
488.806	New section	HF 2347.68	1/1/05
488.807	New section	HF 2347.69	1/1/05
488.808	New section	HF 2347.70	1/1/05
488.808A	New section	HF 2347.71	1/1/05
488.809	New section	HF 2347.72**	1/1/05
488.809	New section, subsection 1, paragraph a amended	SF 2298.381	J
488.810	New section	HF 2347.73	1/1/05
488.811	New section	HF 2347.74	1/1/05
488.812	New section	HF 2347.75	1/1/05
488.901	New section	HF 2347.76	1/1/05
488.902	New section	HF 2347.77	1/1/05
488.903	New section	HF 2347.78	1/1/05
488.904	New section	HF 2347.79	1/1/05
488.905	New section	HF 2347.80	1/1/05

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File #</u>	<u>Effective</u>
488.906	New section	HF 2347.81**	1/1/05
488.906	New section, subsection 1, paragraph a amended	SF 2298.382	J
488.907	New section	HF 2347.82	1/1/05
488.908	New section	HF 2347.83	1/1/05
488.1001	New section	HF 2347.84	1/1/05
488.1002	New section	HF 2347.85	1/1/05
488.1003	New section	HF 2347.86	1/1/05
488.1004	New section	HF 2347.87	1/1/05
488.1005	New section	HF 2347.88	1/1/05
488.1101	New section	HF 2347.89	1/1/05
488.1102	New section	HF 2347.90	1/1/05
488.1103	New section	HF 2347.91	1/1/05
488.1104	New section	HF 2347.92	1/1/05
488.1105	New section	HF 2347.93	1/1/05
488.1106	New section	HF 2347.94**	1/1/05
488.1106	New section, subsection 1, paragraph a amended	SF 2298.383	J
488.1107	New section	HF 2347.95	1/1/05
488.1108	New section	HF 2347.96	1/1/05
488.1109	New section	HF 2347.97	1/1/05
488.1110	New section	HF 2347.98	1/1/05
488.1111	New section	HF 2347.99	1/1/05
488.1112	New section	HF 2347.100	1/1/05
488.1113	New section	HF 2347.101	1/1/05
488.1201	New section	HF 2347.102	1/1/05
488.1202	New section	HF 2347.103	1/1/05
488.1203	New section	HF 2347.104	1/1/05
488.1204	New section	HF 2347.105	1/1/05
488.1205	New section	HF 2347.106	1/1/05
488.1206	New section	HF 2347.107	1/1/05
488.1207	New section	HF 2347.108	1/1/05
490.401	Subsection 2, paragraph b amended	SF 2274.183	J
490.1701*	Section amended	SF 2298.394	J
490A.1203	Section amended	HF 2347.117	1/1/06
490A.1203	Subsection 1, paragraph c amended	HF 2347.115	1/1/05
496C.16*	Section amended	HF 2208.79	J
497.22	Unnumbered paragraph 1 amended	SF 2274.184	J
497.33*	Section amended	HF 2208.80	J
498.24	Unnumbered paragraph 1 amended	SF 2274.185	J
499.5	Section amended	SF 2298.393	J
499.5A	Section amended	SF 2298.393	J
499.30A	Subsection 4, unnumbered paragraph 1 amended	HF 2270.1	J
499.49	Section amended	SF 2274.186	J
499B.3	Unnumbered paragraph 2 amended	HF 2208.81	J
499B.20	Section amended	HF 2208.82	J
500.3	Section amended	SF 2298.393	J

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Section	Action Taken	Hse/Sen File #	Effective
501.407*	Subsection 2, paragraph b amended	HF 2207.69	J
502.102*	Section rewritten	HF 2557.1	1/1/05
502.103	New section	HF 2557.2	1/1/05
502.104	New section	HF 2557.3	1/1/05
502.105	New section	HF 2557.4	1/1/05
502.201	Section rewritten	HF 2557.5	1/1/05
502.202*	Section rewritten	HF 2557.6	1/1/05
502.203	Section rewritten	HF 2557.7	1/1/05
502.204	Section rewritten	HF 2557.8	1/1/05
502.205	Section repealed	HF 2557.63	1/1/05
502.206	Section repealed	HF 2557.63	1/1/05
502.206A	Section repealed	HF 2557.63	1/1/05
502.207	Section repealed	HF 2557.63	1/1/05
502.207A	Section repealed	HF 2557.63	1/1/05
502.208	Section repealed	HF 2557.63	1/1/05
502.209	Section repealed	HF 2557.63	1/1/05
502.211	Section repealed	HF 2557.63	1/1/05
502.212	Section repealed	HF 2557.63	1/1/05
502.213	Section repealed	HF 2557.63	1/1/05
502.214	Section repealed	HF 2557.63	1/1/05
502.215	Section repealed	HF 2557.63	1/1/05
502.216	Section repealed	HF 2557.63	1/1/05
502.217	Section repealed	HF 2557.63	1/1/05
502.218	Section repealed	HF 2557.63	1/1/05
502.301	Section rewritten	HF 2557.9	1/1/05
502.302	Section rewritten	HF 2557.10	1/1/05
502.303	Section rewritten	HF 2557.11	1/1/05
502.304	Section rewritten	HF 2557.12	1/1/05
502.304A	New section	HF 2557.13	1/1/05
502.305	Section rewritten	HF 2557.14	1/1/05
502.306	New section	HF 2557.15	1/1/05
502.307	New section	HF 2557.16	1/1/05
502.321A	New section	HF 2557.17	1/1/05
502.321B	New section	HF 2557.18	1/1/05
502.321C	New section	HF 2557.19	1/1/05
502.321D	New section	HF 2557.20	1/1/05
502.321E	New section	HF 2557.21	1/1/05
502.321F	New section	HF 2557.22	1/1/05
502.321G	New section	HF 2557.23	1/1/05
502.321H	New section	HF 2557.24	1/1/05
502.321I	New section	HF 2557.25	1/1/05
502.401	Section rewritten	HF 2557.26	1/1/05
502.402	Section rewritten	HF 2557.27	1/1/05
502.403	Section rewritten	HF 2557.28	1/1/05
502.404	Section rewritten	HF 2557.29	1/1/05
502.405	Section rewritten	HF 2557.30	1/1/05
502.406	Section rewritten	HF 2557.31	1/1/05
502.407	Section rewritten	HF 2557.32	1/1/05
502.408	Section rewritten	HF 2557.33	1/1/05
502.409	New section	HF 2557.34	1/1/05
502.410	New section	HF 2557.35	1/1/05

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File #</u>	<u>Effective</u>
502.411	New section	HF 2557.36	1/1/05
502.412	New section	HF 2557.37	1/1/05
502.501	Section rewritten	HF 2557.38	1/1/05
502.502	Section rewritten	HF 2557.40	1/1/05
502.501A	New section	HF 2557.39	1/1/05
502.502A	Section repealed	HF 2557.63	1/1/05
502.503	Section rewritten	HF 2557.41	1/1/05
502.504	Section rewritten	HF 2557.42	1/1/05
502.505	Section rewritten	HF 2557.43	1/1/05
502.506	Section rewritten	HF 2557.44	1/1/05
502.506A	New section	HF 2557.45	1/1/05
502.507	Section rewritten	HF 2557.46	1/1/05
502.508	New section	HF 2557.47	1/1/05
502.509	New section	HF 2557.48	1/1/05
502.510	New section	HF 2557.49	1/1/05
502.601*	Section rewritten	HF 2557.50	1/1/05
502.602	Section rewritten	HF 2557.51	1/1/05
502.603	Section rewritten	HF 2557.52	1/1/05
502.603A	Section repealed	HF 2557.63	1/1/05
502.604	Section rewritten	HF 2557.53	1/1/05
502.604A	Section rewritten	HF 2557.54	1/1/05
502.604B	Section repealed	HF 2557.63	1/1/05
502.605	Section rewritten	HF 2557.55	1/1/05
502.606	Section rewritten	HF 2557.56	1/1/05
502.607	Section rewritten	HF 2557.57	1/1/05
502.608	Section rewritten	HF 2557.58	1/1/05
502.609	Section rewritten	HF 2557.59	1/1/05
502.610	Section rewritten	HF 2557.60	1/1/05
502.611	Section rewritten	HF 2557.61	1/1/05
502.612	New section	HF 2557.62	1/1/05
504.101A	New section	SF 2274.1	J
504.101B	New section	SF 2274.2	J
504.111	New section	SF 2274.3	J
504.112	New section	SF 2274.4	J
504.113	New section	SF 2274.5	J
504.114	New section	SF 2274.6	J
504.115	New section	SF 2274.7	J
504.116	New section	SF 2274.8	J
504.117	New section	SF 2274.9	J
504.118	New section	SF 2274.10	J
504.119	New section	SF 2274.11	J
504.120	New section	SF 2274.12	J
504.131	New section	SF 2274.13	J
504.141	New section	SF 2274.14	J
504.142	New section	SF 2274.15	J

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Section	Action Taken	Hse/Sen File #	Effective
504.151	New section	SF 2274.16	J
504.201	New section	SF 2274.17	J
504.202	New section	SF 2274.18	J
504.203	New section	SF 2274.19	J
504.204	New section	SF 2274.20	J
504.205	New section	SF 2274.21	J
504.206	New section	SF 2274.22	J
504.207	New section	SF 2274.23	J
504.301	New section	SF 2274.24	J
504.302	New section	SF 2274.25	J
504.303	New section	SF 2274.26	J
504.304	New section	SF 2274.27**	J
504.304	New section, subsection 1 amended	SF 2298.384	J
504.401	New section	SF 2274.28	J
504.402	New section	SF 2274.29	J
504.403	New section	SF 2274.30	J
504.501	New section	SF 2274.31	J
504.502	New section	SF 2274.32	J
504.503	New section	SF 2274.33	J
504.504	New section	SF 2274.34	J
504.601	New section	SF 2274.35	J
504.602	New section	SF 2274.36	J
504.603	New section	SF 2274.37	J
504.611	New section	SF 2274.38	J
504.612	New section	SF 2274.39	J
504.613	New section	SF 2274.40	J
504.614	New section	SF 2274.41	J
504.615	New section	SF 2274.42	J
504.621	New section	SF 2274.43	J
504.622	New section	SF 2274.44	J
504.623	New section	SF 2274.45	J
504.631	New section	SF 2274.46	J
504.632	New section	SF 2274.47	J
504.633	New section	SF 2274.48	J
504.634	New section	SF 2274.49	J
504.635	New section	SF 2274.50	J
504.636	New section	SF 2274.51	J
504.637	New section	SF 2274.52	J
504.638	New section	SF 2274.53	J
504.641	New section	SF 2274.54	J
504.701	New section	SF 2274.55	J
504.702	New section	SF 2274.56	J
504.703	New section	SF 2274.57	J
504.704	New section	SF 2274.58	J
504.705	New section	SF 2274.59	J
504.706	New section	SF 2274.60	J
504.707	New section	SF 2274.61	J
504.708	New section	SF 2274.62	J
504.711	New section	SF 2274.63	J
504.712	New section	SF 2274.64	J
504.713	New section	SF 2274.65	J

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File #</u>	<u>Effective</u>
504.714	New section	SF 2274.66	J
504.715	New section	SF 2274.67	J
504.716	New section	SF 2274.68	J
504.717	New section	SF 2274.69	J
504.718	New section	SF 2274.70	J
504.721	New section	SF 2274.71	J
504.801	New section	SF 2274.72	J
504.802	New section	SF 2274.73	J
504.803	New section	SF 2274.74	J
504.804	New section	SF 2274.75	J
504.805	New section	SF 2274.76	J
504.806	New section	SF 2274.77	J
504.807	New section	SF 2274.78	J
504.808	New section	SF 2274.79	J
504.809	New section	SF 2274.80	J
504.810	New section	SF 2274.81	J
504.811	New section	SF 2274.82	J
504.812	New section	SF 2274.83	J
504.821	New section	SF 2274.84	J
504.822	New section	SF 2274.85	J
504.823	New section	SF 2274.86	J
504.824	New section	SF 2274.87	J
504.825	New section	SF 2274.88	J
504.826	New section	SF 2274.89	J
504.831	New section	SF 2274.90	J
504.832	New section	SF 2274.91	J
504.833	New section	SF 2274.92	J
504.834	New section	SF 2274.93	J
504.835	New section	SF 2274.94	J
504.841	New section	SF 2274.95	J
504.842	New section	SF 2274.96	J
504.843	New section	SF 2274.97	J
504.844	New section	SF 2274.98	J
504.845	New section	SF 2274.99	J
504.846	New section	SF 2274.100	J
504.851	New section	SF 2274.101	J
504.852	New section	SF 2274.102	J
504.853	New section	SF 2274.103	J
504.854	New section	SF 2274.104**	J
504.854	New section, subsection 3, paragraph b amended	SF 2298.385	J
504.855	New section	SF 2274.105	J
504.856	New section	SF 2274.106	J
504.857	New section	SF 2274.107	J
504.858	New section	SF 2274.108	J
504.859	New section	SF 2274.109	J

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***** - Code Supplement 2003

****** - subsequently amended

******* - subsequently repealed

******** - Code 2005

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File #</u>	<u>Effective</u>
504.860	New section	SF 2274.110	J
504.901	New section	SF 2274.111	J
504.1001	New section	SF 2274.112	J
504.1002	New section	SF 2274.113	J
504.1003	New section	SF 2274.114	J
504.1004	New section	SF 2274.115	J
504.1005	New section	SF 2274.116	J
504.1006	New section	SF 2274.117	J
504.1007	New section	SF 2274.118	J
504.1008	New section	SF 2274.119	J
504.1021	New section	SF 2274.120	J
504.1022	New section	SF 2274.121	J
504.1023	New section	SF 2274.122	J
504.1031	New section	SF 2274.123	J
504.1032	New section	SF 2274.124	J
504.1101	New section	SF 2274.125	J
504.1102	New section	SF 2274.126	J
504.1103	New section	SF 2274.127	J
504.1104	New section	SF 2274.128	J
504.1105	New section	SF 2274.129	J
504.1106	New section	SF 2274.130	J
504.1107	New section	SF 2274.131	J
504.1108	New section	SF 2274.132	J
504.1201	New section	SF 2274.133	J
504.1202	New section	SF 2274.134	J
504.1301	New section	SF 2274.135	J
504.1302	New section	SF 2274.136	J
504.1401	New section	SF 2274.137	J
504.1402	New section	SF 2274.138	J
504.1404	New section	SF 2274.139	J
504.1405	New section	SF 2274.140	J
504.1406	New section	SF 2274.141	J
504.1407	New section	SF 2274.142	J
504.1408	New section	SF 2274.143	J
504.1421	New section	SF 2274.144	J
504.1422	New section	SF 2274.145**	J
504.1422	New section, subsection 3 amended	SF 2298.386	J
504.1423	New section	SF 2274.146	J
504.1424	New section	SF 2274.147	J
504.1431	New section	SF 2274.148	J
504.1432	New section	SF 2274.149	J
504.1433	New section	SF 2274.150	J
504.1434	New section	SF 2274.151	J
504.1441	New section	SF 2274.152	J
504.1501	New section	SF 2274.153	J
504.1502	New section	SF 2274.154	J
504.1503	New section	SF 2274.155	J
504.1504	New section	SF 2274.156	J
504.1505	New section	SF 2274.157	J
504.1506	New section	SF 2274.158	J
504.1507	New section	SF 2274.159	J

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File #</u>	<u>Effective</u>
504.1508	New section	SF 2274.160	J
504.1509	New section	SF 2274.161	J
504.1510	New section	SF 2274.162	J
504.1521	New section	SF 2274.163	J
504.1531	New section	SF 2274.164	J
504.1532	New section	SF 2274.165	J
504.1533	New section	SF 2274.166	J
504.1601	New section	SF 2274.167	J
504.1602	New section	SF 2274.168	J
504.1603	New section	SF 2274.169	J
504.1604	New section	SF 2274.170	J
504.1605	New section	SF 2274.171	J
504.1606	New section	SF 2274.172	J
504.1611	New section	SF 2274.173	J
504.1612	New section	SF 2274.174	J
504.1613	New section	SF 2274.175	J
504.1701	New section	SF 2274.176	J
504.1702	New section	SF 2274.177	J
504.1703	New section	SF 2274.178	J
504.1704	New section	SF 2274.179	J
504.1705	New section	SF 2274.180	J
504A.29	Subsection 1 amended	HF 2208.83	J
504A.39	Subsection 4, paragraph e amended	HF 2208.84	J
504A.102	Section amended	SF 2274.187	J
504A.****	Chapter repealed	SF 2274.190	7/1/05
504B.1*	Section amended	SF 2298.394	J
504B.6*	Section amended	SF 2298.394	J
504C.1	Section amended	SF 2298.393	J
504C.1	Subsection 3, paragraph a amended	HF 2208.85	J
505.7A	New section	HF 2489.5	J
505.25	New section	HF 2554.1	VETO
505.25	New section	SF 2298.153	E
505A.1*	Article III, subsections 1 & 2 amended	HF 2489.6	J
505A.1*	Article III, subsection 3 stricken	HF 2489.7	J
505A.1*	Article V, subsection 1, paragraph c, subparagraphs (3) & (4) amended	HF 2489.8	J
505A.1*	Article V, subsection 1, paragraph c, new subparagraph (8)	HF 2489.9	J
505A.1*	Article V, subsection 1, new paragraph d	HF 2489.10	J
505A.1*	Article VII, subsection 2 amended	HF 2489.11	J
505A.1*	Article VIII, subsection 1 amended	HF 2489.12	J
505A.1*	Article VIII, subsection 4, paragraphs a & b amended	HF 2489.13	J
505A.1*	Article XI, subsection 1 amended	HF 2489.14	J
505A.1*	Article XII, subsection 6 amended	HF 2489.15	J
505A.1*	Article XVI, subsection 1, paragraph b amended	HF 2489.16	J
506.7	Section repealed	HF 2489.71	J

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Section	Action Taken	Hse/Sen File #	Effective
507.14	New unnumbered paragraph	HF 2489.17	J
507.16	Section amended	HF 2489.18	J
507A.10	Section amended	HF 2489.19	J
507B.2	Subsection 1 amended	HF 2489.20	J
507B.3*	New subsection 3	HF 2489.21	J
507B.6	Subsection 5 amended	HF 2489.22	J
507B.6A	New section	HF 2489.23	J
507B.7	Section amended	HF 2489.24	J
507B.11	Section repealed	HF 2489.71	J
507B.14	Unnumbered paragraph 1 amended	HF 2557.66	1/1/05
507C.6	Subsection 4 rewritten	HF 2489.25	J
507C.11	Unnumbered paragraph 1 amended	HF 2489.26	J
508.27	Section repealed	HF 2489.71	J
508.31A*	Subsect. 2, para. a, subpara. (2), subpara. subdivision (b) amended	HF 2208.86	J
508.38*	Subsection 11 amended	HF 2207.70	J
509.18	Section amended	HF 2489.27	J
510.6	Subsections 6 & 7 amended	HF 2207.71	J
510A.4*	Subsection 1, paragraph b, subparagraph (2) amended	HF 2207.72	J
511.8*	Subsection 1 amended	HF 2489.28	J
511.8*	Subsection 19, unnumbered paragraph 1 amended	HF 2489.29	J
511.8*	Subsection 22, paragraph e amended	HF 2489.30	J
511.8*	New subsection 23	HF 2489.31	J
511.16	Section amended	HF 2489.32	J
511.18	Section repealed	HF 2489.71	J
512A.8	Section amended	HF 2489.33	J
512B.35	Section amended	HF 2489.34	J
513C.3*	Subsection 15, new unnumbered paragraph	HF 2489.35	J
513C.3*	Subsection 15, new unnumbered paragraph	HF 2568.1	J
513C.7*	Subsections 1, 2, & 5 stricken	HF 2568.2	1/1/05
513C.8	Section amended	HF 2489.36	J
513C.8	Section amended	HF 2568.3	J
513C.10*	Section amended	SF 2298.394	J
513C.10*	Subsection 1, paragraph a amended	HF 2489.37	J
513C.10*	Subsection 1, paragraph a amended	HF 2568.4	J
513C.10*	Subsection 4 amended	HF 2489.38	J
513C.10*	Subsection 4 amended	HF 2568.5	J
514.1*	Section amended	SF 2298.394	J
514.2*	Section amended	HF 2208.87	J
514.2*	Section amended	SF 2298.394	J
514.5*	Section amended	SF 2298.394	J
514.6	Section repealed	HF 2489.71	J
514.19	Section amended	SF 2298.393	J
514.23	Section amended	SF 2298.393	J
514A.3A	New section	HF 2489.39	J
514A.9	Section repealed	HF 2489.71	J
514B.12*	Unnumbered paragraph 1 amended	HF 2207.73	J
514B.29	Section repealed	HF 2489.71	J
514C.21	New section	SF 2209.2	J
514E.1*	Subsection 2 amended	HF 2489.40	J
514E.1*	Subsection 2 amended	HF 2568.6	J
514E.1*	Subsections 7, 8, & 12 stricken	HF 2489.41	J

Section	Action Taken	Hse/Sen File #	Effective
514E.1*	Subsections 7, 8, & 12 stricken	HF 2568.7	J
514E.1*	Subsection 9, new paragraph f	HF 2489.42	J
514E.1*	Subsection 9, new paragraph f	HF 2568.8	J
514E.1*	Subsection 13 amended	HF 2489.43	J
514E.1*	Subsection 13 amended	HF 2568.9	J
514E.2*	Subsection 1, unnumbered paragraph 1 amended	HF 2489.44	J
514E.2*	Subsection 1, unnumbered paragraph 1 amended	HF 2568.10	J
514E.2*	Subsection 1, paragraph a amended	HF 2489.45	J
514E.2*	Subsection 1, paragraph a amended	HF 2568.11	J
514E.2*	Subsection 6 rewritten	HF 2489.46	J
514E.2*	Subsection 6 rewritten	HF 2568.12	J
514E.2*	Subsection 13 rewritten	HF 2568.13	1/1/05
514E.4	Section rewritten	HF 2489.47	J
514E.4	Section rewritten	HF 2568.14	J
514E.5	Section repealed	HF 2489.72	J
514E.5	Section repealed	HF 2568.20	J
514E.6	Section repealed	HF 2489.72	J
514E.6	Section repealed	HF 2568.20	J
514E.7	Subsection 1, new unnumbered paragraph	HF 2489.48	J
514E.7	Subsection 1, new unnumbered paragraph	HF 2568.15	J
514E.7	Subsection 4, paragraph b, new subparagraph (4)	HF 2568.16	J
514E.7	Subsection 5, new paragraph f	HF 2489.49	J
514E.7	Subsection 5, new paragraph f	HF 2568.17	J
514E.8	Subsection 1 amended	HF 2489.50	J
514E.8	Subsection 1 amended	HF 2568.18	J
514E.11	Section amended	HF 2489.51	J
514E.11	Section amended	HF 2568.19	J
515.1	Section amended	SF 2298.393	J
515.35*	Subsection 3, paragraph a, subparagraph (2) rewritten	HF 2489.52	J
515.35*	Subsection 4, paragraph a, new unnumbered paragraph	HF 2489.53	J
515.35*	Subsection 4, paragraph i, subparagraphs (3) & (4) amended	HF 2489.54	J
515.109A	New section	SF 2257.1**	A J
515.109A	New section, subsection 10 amended	SF 2298.341	J
515.120	Section amended	HF 2489.55	J
515.121	Section amended	HF 2489.56	J
515.132	Section repealed	HF 2489.71	J
515.140	Section amended	HF 2489.57	J
515.145	Section repealed	HF 2489.71	J
515F.32*	Subsection 3 amended	HF 2207.74	J
515F.36*	Subsection 1 amended	HF 2207.75	J
518.18*	Subsection 3, paragraph b, unnumbered paragraph 1 amended	SF 2298.339	E
518A.35*	Subsection 3, paragraph b, unnumbered paragraph 1 amended	SF 2298.340	E
518A.41	Section amended	HF 2489.58	J
520.14	Section amended	HF 2489.59	J
521.15	Section repealed	HF 2489.71	J

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******** - Code 2005

Section	Action Taken	Hse/Sen File #	Effective
522B.11	Subsection 1, new paragraph q	HF 2489.60	J
522B.11	Subsection 5 amended	HF 2489.61	J
522B.11	New subsection 6	HF 2489.62	J
522B.16A	New section	HF 2489.63	J
523A.102	Subsection 22 stricken	HF 2269.1	J
523A.401	Subsection 6, paragraph c amended	HF 2489.64	J
523A.402	Subsection 6, paragraph c amended	HF 2489.65	J
523A.501	Subsection 6 amended	HF 2269.2	J
523A.501	Subsection 6 amended	HF 2489.66	J
523A.502	Subsection 7 amended	HF 2269.3	J
523A.502	Subsection 7 amended	HF 2489.67***	J
523A.503	Subsection 1, unnumbered paragraph 1 amended	HF 2489.68	J
523A.503	Subsection 3 amended	HF 2489.69	J
523A.503	New subsection 6	HF 2489.70	J
523B.1	Subsection 1 stricken	HF 2269.5	J
523B.1	Subsection 3, paragraph a, unnumbered paragraph 1 amended	HF 2269.6	J
523B.1	Subsection 3, paragraph b, subparagraph (5) amended	HF 2269.7	J
523B.1	New subsection 3A	HF 2269.8	J
523B.1	Subsection 4, unnumbered paragraph 1 amended	HF 2269.9	J
523B.1	Subsections 9, 10, & 12 amended	HF 2269.10	J
523B.2	Subsections 1, 2, 3, 4, 5, 6, & 7 stricken	HF 2269.11	J
523B.2	Subsection 8, paragraphs a & b amended	HF 2269.12	J
523B.2	Subsection 8, paragraph c, unnumbered paragraph 1 stricken	HF 2269.13	J
523B.2	Subsection 8, paragraph c, subparagraph (13) stricken	HF 2269.14	J
523B.2	Subsect. 8, para. c, subpara. (17), (18), (19), & (20) amended	HF 2269.15	J
523B.2	Subsection 8, paragraph c, subparagraph (25) stricken	HF 2269.16	J
523B.2	Subsection 9, paragraphs a & b amended	HF 2269.17	J
523B.2	Subsection 9, paragraph c, unnumbered paragraph 1 amended	HF 2269.18	J
523B.2	Subsection 10 stricken	HF 2269.19	J
523B.2A	New section	HF 2269.20	J
523B.3	Section amended	HF 2269.21	J
523B.5	Section repealed	HF 2269.31	J
523B.7	Subsection 1, paragraph a amended	HF 2269.22	J
523B.7	Subsection 1, paragraphs b & c stricken	HF 2269.23	J
523B.7	Subsection 4 amended	HF 2269.24	J
523B.8	Section repealed	HF 2269.31	J
523B.10	Section repealed	HF 2269.31	J
523B.11	Section amended	HF 2269.25	J
523B.12	Subsections 1, 2, & 3 amended	HF 2269.26	J
523B.12	Subsection 4, unnumbered paragraph 1 amended	HF 2269.27	J
523B.12	Subsection 4, paragraphs d, f, h, & j amended	HF 2269.28	J
523B.13	Subsections 5 & 6 stricken	HF 2269.29	J
523D.2	Section amended	HF 2269.32	J
523D.2A	New section	HF 2269.33	J
523D.3	Subsection 1, new paragraph n	HF 2269.34	J
523D.3	Subsections 2, 3, & 4 amended	HF 2269.35	J
523D.4	Subsection 2 amended	HF 2269.36	J
523D.5	Subsection 1, unnumbered paragraph 1 amended	HF 2269.37	J
523D.5	Subsection 1, paragraphs d, e, & f amended	HF 2269.38	J
523D.5	Subsection 2, paragraphs a & b amended	HF 2269.39	J
523D.5	Subsection 3, unnumbered paragraph 1 amended	HF 2269.40	J

Section	Action Taken	Hse/Sen File #	Effective
523D.5	Subsection 3, paragraph a amended	HF 2269.41	J
523D.5	Subsection 4 amended	HF 2269.42	J
523D.5	Subsection 5, paragraph c, unnumbered paragraph 1 amended	HF 2269.43	J
523D.5	New subsection 6	HF 2269.44	J
523D.8	Subsection 1 amended	HF 2269.45	J
523D.9	Section repealed	HF 2269.51	J
523D.10	Section amended	HF 2269.46	J
523D.12	Subsection 1 stricken	HF 2269.47	J
523D.12	Subsection 2, unnumbered paragraph 1 amended	HF 2269.48	J
523D.12	Subsection 2, paragraph c amended	HF 2269.49	J
523D.14	Section amended	HF 2269.50	J
524.103	Subsections 6, 8, 17, 20, 30, 31, & 33 amended	HF 2484.47	J
524.103	New subsections 9A, 18A, 23A, 23B, & 23C	HF 2484.48	J
524.201	Subsection 1 amended	HF 2484.2	J
524.203	Section rewritten	HF 2484.3	J
524.204	Section rewritten	HF 2484.4	J
524.205	Section amended	HF 2484.5	J
524.207*	Subsection 1 amended	HF 2484.6	J
524.208	Section amended	HF 2484.7	J
524.209*	Section amended	HF 2484.8	J
524.210	Section amended	HF 2484.9	J
524.211	Subsections 1, 2, 3, 4, 5, & 7 amended	HF 2484.10	J
524.212*	Section amended	HF 2484.11	J
524.214	Subsection 1 amended	HF 2484.12	J
524.215	Unnumbered paragraph 2 amended	HF 2484.13	J
524.216	Unnumbered paragraph 1 amended	HF 2484.14	J
524.217	Subsection 1, paragraph a amended	HF 2484.15	J
524.218	Section amended	HF 2484.16	J
524.219	Section amended	HF 2484.17	J
524.301	Section amended	HF 2484.49	J
524.302A	New section	HF 2484.50	J
524.303	Section amended	HF 2484.51	J
524.304	Subsection 1 amended	HF 2484.52	J
524.305	Subsection 1, paragraph d amended	HF 2484.53	J
524.305	Subsections 6, 7, & 9 amended	HF 2484.54	J
524.306	Section amended	HF 2484.55	J
524.307	Section amended	HF 2484.56	J
524.308	Subsection 2 amended	HF 2484.57	J
524.310	Section amended	HF 2484.58	J
524.310	Subsection 1 amended	HF 2484.18	J
524.312	Subsections 1 & 5 amended	HF 2484.59	J
524.313	Section amended	HF 2484.60	J
524.315	New section	HF 2484.61	J
524.401	Subsections 2, 3, & 4 amended	HF 2484.62	J
524.405	Subsection 1, unnumbered paragraph 1 amended	HF 2484.19	J

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Section	Action Taken	Hse/Sen File #	Effective
524.525	Section amended	HF 2484.63	J
524.528	Subsection 2, paragraph c amended	HF 2484.64	J
524.607A	New section	HF 2484.20	J
524.610	Unnumbered paragraph 1 amended	HF 2484.21	J
524.703	Unnumbered paragraph 2 amended	HF 2484.22	J
524.801	Subsection 1 amended	HF 2484.65	J
524.801	Unnumbered paragraph 2 amended	HF 2484.66	J
524.802	Subsection 5 amended	HF 2484.23	J
524.810A	Subsection 1, unnumbered paragraph 1 amended	HF 2230.1	J
524.810A	Subsection 1, paragraph e amended	HF 2230.2	J
524.903	Subsections 2 & 3 amended	HF 2484.24	J
524.904	Subsection 7, paragraph a amended	HF 2484.25	J
524.1201	Subsection 3 amended	HF 2484.26	J
524.1301	Section amended	HF 2484.67	J
524.1302	Section amended	HF 2484.68	J
524.1303	Subsection 3 amended	HF 2484.27	J
524.1309	Section amended	HF 2484.69	J
524.1402	Subsection 4 amended	HF 2484.28	J
524.1405	Subsection 2, paragraph f amended	HF 2484.70	J
524.1408	Section amended	HF 2484.71	J
524.1412	Unnumbered paragraph 1 amended	HF 2484.29	J
524.1416	Subsection 2 amended	HF 2484.30	J
524.1611	Subsection 1 amended	HF 2484.31	J
524.1802	Subsection 1, new paragraph gg	HF 2484.72	J
524.2001	Section amended	HF 2484.73	J
533.2	Section amended	HF 2484.36	J
533.4	Subsection 5, new paragraph j	HF 2484.37	J
533.4	New subsection 28	HF 2484.38	J
533.6	Subsection 2 amended	HF 2484.39	J
533.8	Section amended	HF 2484.40	J
533.9	Section amended	HF 2484.41	J
533.12	Subsection 1 amended	HF 2484.42	J
533.19	Section amended	HF 2484.43	J
533.19A	New section	HF 2484.44	J
533.38	New subsection 12	HF 2484.45	J
533.49E	Subsection 1, unnumbered paragraph 1 amended	HF 2230.3	J
533.49E	Subsection 1, paragraph e amended	HF 2230.4	J
533C.103*	Subsection 4 amended	HF 2207.76	J
533C.201*	Subsection 1 amended	HF 2207.77	J
533C.202*	Subsection 2, paragraph e amended	HF 2208.88	J
533C.301*	Subsection 1, unnumbered paragraph 1 amended	HF 2208.89	J
533C.303*	Subsection 4 amended	HF 2207.78	J
533C.503*	Subsection 3, paragraphs e & f amended	HF 2207.79	J
533C.505*	Subsection 3 amended	HF 2207.80	J
533C.703*	Subsection 3 amended	HF 2207.81	J
534.501	Subsection 4 amended	SF 2274.188	J
535.8	Subsection 2, paragraph b, unnumbered paragraph 2 amended	HF 2484.74**	J
535.8	Subsection 2, paragraph b, unnumbered paragraph 2 amended	SF 2298.262	J
536.13	Section amended	HF 2484.34	J
536.23	Section amended	HF 2484.34	J
536.28	Section amended	HF 2484.34	J

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File #</u>	<u>Effective</u>
536A.22	Unnumbered paragraph 2 amended	HF 2557.67	1/1/05
537.2502*	Subsections 3 & 6 reaffirmed and reenacted	HF 2581.22	R 7/1/03
537.2601*	Subsection 1 reaffirmed and reenacted	HF 2581.22	R 7/1/03
543B.7	Subsection 5 amended	HF 2373.1	J
543B.14	Section amended	SF 2298.29	J
543B.34	Unnumbered paragraph 1 amended	SF 2189.1	J
543B.34	New unnumbered paragraph	SF 2189.2	J
543B.49	New section	SF 2189.3	J
543B.54	Section amended	SF 2298.30	J
544A.28	Unnumbered paragraph 4 amended	HF 2208.90	J
546.3	Section amended	HF 2484.32	J
546B.1	New section	HF 2493.1	J
546B.2	New section	HF 2493.2	J
546B.3	New section	HF 2493.3	J
546B.4	New section	HF 2493.4	J
554.10105	Unnumbered paragraph 1 amended	HF 2208.91	J
554D.101	Section amended	HF 2490.1	J
554D.102	Section repealed	HF 2490.10	J
554D.103	Subsections 4, 5, & 7 stricken	HF 2490.2	J
554D.103	Subsection 19 amended	HF 2490.3	J
554D.104*	Subsection 2 amended	HF 2490.4	J
554D.105	Section repealed	HF 2490.10	J
554D.109	Section repealed	HF 2490.10	J
554D.110	Subsection 4, paragraph b amended	HF 2490.5	J
554D.111	Subsection 3 stricken	HF 2490.6	J
554D.114	Subsection 7 amended	HF 2490.7	J
554D.120*	Subsection 5 stricken	HF 2490.8***	J
554D.122	Section repealed	HF 2490.10	J
554D.123	Section repealed	HF 2490.10	J
554D.124	New section	HF 2490.9	J
555C.3	Section amended	SF 2289.9	J
556.9*	Subsection 2 amended	HF 2306.1	J
558.20	Section amended	HF 2450.1	J
558.21	Section repealed	HF 2450.10	J
558.22	Section repealed	HF 2450.10	J
558.23	Section repealed	HF 2450.10	J
558.24	Section repealed	HF 2450.10	J
558.25	Section repealed	HF 2450.10	J
558.26	Section repealed	HF 2450.10	J
558.27	Section repealed	HF 2450.10	J
558.28	Section repealed	HF 2450.10	J
558.29	Section repealed	HF 2450.10	J
558.30	Section repealed	HF 2450.10	J
558.37	Section repealed	HF 2450.10	J
558.38	Section repealed	HF 2450.10	J

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VETO - entire bill section vetoed

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^ - 2003 Acts Extra. Session, Chap. 2

***** - Code Supplement 2003

****** - subsequently amended

******* - subsequently repealed

******** - Code 2005

Section	Action Taken	Hse/Sen File #	Effective
558.39	Section repealed	HF 2450.10	J
558.40	Section amended	HF 2450.2	J
558.41	Section amended	HF 2544.3	J
558.42	Section amended	HF 2450.3	J
558.57	Section amended	HF 2544.4	J
562A.13	New subsection 6	SF 2266.1	J
562A.27A	Subsection 1 amended	SF 2199.1	J
562B.25	Subsection 3 amended	HF 2207.82	J
562B.25A	Subsection 1 amended	SF 2199.2	J
564.9	New section	SF 2298.198	VETO
570A.5*	Unnumbered paragraph 1 amended	HF 2208.92	J
570A.5*	Subsections 1 & 2 amended	HF 2208.93	J
570A.6*	Section amended	HF 2208.94	J
591.17	Unnumbered paragraph 1 amended	HF 2208.95	J
595.3B	New section	HF 2455.2	VETO
595.4	Section amended	HF 2455.3	VETO
598.7B	New section	HF 2455.4	VETO
598.14B	New section	SF 2234.1	J
598.21*	Subsection 8, new paragraph jj	HF 2528.1	J
598.41	Subsection 5 amended	HF 22.1	J
598B.106	Section amended	HF 2208.96	J
599.6	Section amended	HF 2042.1	J
600A.8	Subsection 3 stricken	HF 2176.1	J
600A.8	Subsection 4 amended	HF 2176.2	J
600A.9	Subsection 4, new paragraph e	HF 2527.2	J
600B.40	Unnumbered paragraph 1 amended	SF 2234.2	J
602.6305*	Subsection 1 amended	HF 2207.83	J
602.8101	Subsection 3 amended	HF 2572.3	J
602.8102*	Subsections 13 & 57 stricken	HF 2572.4	J
602.8102*	Subsection 25 amended	HF 2447.28	E
602.8102*	Subsection 70 amended	SF 2274.189	J
602.8102*	Subsection 78 amended	HF 2450.4	J
602.8102*	Subsection 135A amended	HF 2569.2	J
602.8102*	Subsection 135B stricken	HF 2569.3	J
602.8104	Subsection 2, paragraph j stricken	HF 2572.5	J
602.8105*	New subsection 4	HF 2259.2	J
602.8106*	Subsection 1, new paragraph g	HF 2572.6	J
602.8107*	Subsection 4, unnumbered paragraph 1 amended	SF 2298.199	J
602.8107*	Subsection 4, unnumbered paragraph 2 amended	HF 2207.84	J
602.8107*	Subsection 4, unnumbered paragraph 2 amended	HF 2569.4	J
602.8107*	New subsection 4A	SF 2298.200	J
602.8108*	Subsections 2, 3, 4, 5, & 6 amended	HF 2530.3	J
602.8108*	New subsection 4A	HF 2569.5	J
602.11112	Section amended	HF 2208.97	J
602.11115*	Subsection 3 amended	HF 2208.98	J
614.29	Unnumbered paragraph 1 amended	HF 2450.5	J
614.30	Section amended	HF 2450.6	J
614.36	Section amended	HF 2450.7	J
614.37	Section amended	HF 2450.8**	J
614.37	Section amended	SF 2298.387	J
614.38	Section amended	HF 2450.9	J

Section	Action Taken	Hse/Sen File #	Effective
616.10*	Section amended	SF 2298.394	J
625A.9*	Subsection 2 amended	SF 344.1	VETO
625A.9*	Subsection 2 amended	SF 2306.1	A E
625A.9*	Section reaffirmed and reenacted	HF 2581.5**	R 7/1/03
625A.9*	Reaffirmed and reenacted section, subsection 2 amended	HF 2581.6	R 4/20/04
631.4	Subsection 2, paragraphs a & d amended	HF 2207.85	J
631.5*	Unnumbered paragraph 1 amended	HF 2207.86	J
633.31	Subsection 2, paragraph i amended	HF 2572.7	J
633.63*	Section amended	SF 2298.394	J
633.356	Subsection 1, unnumbered paragraph 1 amended	SF 2167.2	J
633.356	Subsection 3, paragraph a amended	SF 2167.3	J
633.356	Subsection 4, unnumbered paragraph 3 amended	SF 2167.4	J
633.356	Subsection 7, unnumbered paragraph 1 amended	SF 2167.5	J
633.356	Subsection 8 amended	SF 2167.6	J
633.479*	Unnumbered paragraph 2 amended	SF 2296.50	J
633.647	Subsection 7 amended	SF 2167.7	J
633.704	Section repealed	SF 2167.31	J
633.704A	New section	SF 2167.8	J
633.704B	New section	SF 2167.9	J
633.704C	New section	SF 2167.10	J
633.704D	New section	SF 2167.11	J
633.704E	New section	SF 2167.12	J
633.704F	New section	SF 2167.13	J
633.704G	New section	SF 2167.14	J
633.704H	New section	SF 2167.15	J
633.704I	New section	SF 2167.16	J
633.704J	New section	SF 2167.17	J
633.704K	New section	SF 2167.18	J
633.704L	New section	SF 2167.19	J
633.704M	New section	SF 2167.20	J
633.704N	New section	SF 2167.21	J
633.704O	New section	SF 2167.22	J
633.704P	New section	SF 2167.23	J
633.704Q	New section	SF 2167.24	J
633.707	Subsection 3 amended	HF 2208.99	J
633.707	Subsections 10 & 11 stricken	HF 2378.1	J
633.709	Subsection 3 amended	HF 2378.2	J
633.709	Subsection 3, paragraphs a, b, c, & e amended	HF 2208.100	J
633.1102*	Subsection 17, new paragraph m	SF 2167.25	J
633.1105*	Section amended	SF 2167.26	J
633.2301	Section rewritten	SF 2167.27	J
633.2302	Section amended	SF 2167.28	J
633.4507	New section	SF 2167.29	J
633.4702	New section	SF 2167.30	J
635.7*	Section amended	HF 2572.8	J

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***** - Code Supplement 2003

****** - subsequently amended

******* - subsequently repealed

******** - Code 2005

Section	Action Taken	Hse/Sen File #	Effective
636.13	Section repealed	HF 2572.9	J
648.1	Unnumbered paragraph 1 amended	HF 2207.87	J
648.5	Section amended	HF 2207.88	J
648.10	Section amended	HF 2207.89	J
657.1	Section amended	HF 2397.1	J
657A.2	Subsection 6 stricken	SF 2291.9	E
657A.10A	New section	SF 2291.10	E
668.12	Section amended	HF 2170.1	J
668B.1	New section	HF 2440.1	VETO
668B.2	New section	HF 2440.2**	VETO
668B.2	New section, subsection 1 amended	SF 2298.263	VETO
668B.3	New section	HF 2440.3	VETO
669.14*	Section amended	HF 2347.117	1/1/06
669.14*	Subsection 5 amended	HF 2208.101	J
669.14*	Subsection 11, unnumbered paragraph 1 amended	HF 2207.90	J
669.14*	Subsection 11, unnumbered paragraph 1 amended	HF 2347.116**	1/1/05
669.14*	Subsection 11, unnumbered paragraph 1 amended	SF 2298.388	J
669.25	New section	HF 2403.30	J
677.10A	New section	HF 2396.1	VETO
692A.1*	Subsection 7, paragraph d amended	HF 2146.1	J
692A.13*	Section rewritten	SF 2298.464	A E
692A.13A	Section repealed	SF 2298.466	E
702.11*	Subsection 2, paragraph e amended	HF 2150.2	J
707.11A	New section	HF 2558.1	VETO
708.3A	Subsections 1, 2, 3, & 4 amended	HF 250.1	J
708.3A	New subsection 8	HF 250.2	J
709.10	New section	HF 2522.1	J
709.15*	Subsection 1, paragraph g amended	HF 2208.102	J
709.19A	New section	HF 561.1	J
709A.1	Subsection 2, paragraph c amended	SF 2249.2**	E
709A.1	Subsection 2, paragraph c amended	SF 2298.389	J
712.1	Section amended	HF 2200.13	J
712.2	Section amended	HF 2200.14	J
712.3	Section amended	HF 2200.15	J
712.6	Section amended	HF 2200.16	J
714.3	Unnumbered paragraph 2 amended	HF 2399.1	J
714.7C	New section	HF 2259.3	J
714.7C	New section	SF 2148.3	VETO
714.26	New section	HF 2395.1**	J
714.26	New section, subsection 1, paragraph c amended	SF 2298.390	J
716.6B*	Section amended	SF 2298.394	J
717A.2*	Subsection 3, paragraph a amended	HF 2486.1	J
717A.4	New section	HF 2486.2	J
717D.1*	Subsection 2 stricken	SF 2249.3	E
717D.1*	Subsections 3, 4, 5, 10, & 11 amended	SF 2249.4	E
717D.2	New subsections 2A, 2B, 3A, & 3B	SF 2249.5	E
717D.2	Subsections 3 & 4 amended	SF 2249.6	E
717D.3	Subsection 1, paragraph b amended	HF 2403.31	J
717D.4	Section amended	SF 2249.7	E
717D.5	Section amended	SF 2249.8	E
717E.1	New section	HF 2480.1**	J
717E.1	New section, subsection 3, paragraph a amended	SF 2298.391	J

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File #</u>	<u>Effective</u>
717E.2	New section	HF 2480.2	J
717E.3	New section	HF 2480.3	J
724.6	Subsection 2 amended	HF 2262.58	J
725.11	Section repealed	SF 2249.9	E
725.19	New section	HF 2302.57	J
726.6	Subsection 1, new paragraph g	HF 2150.3	J
726.6	New subsection 3A	SF 2166.1	J
726.6	Subsections 5 & 6 amended	HF 2150.4	J
730.5	Subsection 1, new paragraph aa	SF 2173.1	E
730.5	Subsection 1, paragraph j amended	SF 2173.2	E
730.5	Subsection 7, paragraph a amended	SF 2173.3	E
730.5	Subsection 7, paragraph b amended	SF 2173.4	E
730.5	Subsection 7, paragraph f, unnumbered paragraph 1 amended	SF 2173.5	E
730.5	Subsection 7, paragraph f, new subparagraph (3)	SF 2173.6	E
730.5	Subsection 7, paragraph i amended	SF 2173.7	E
730.5	Subsection 9, paragraph b amended	SF 2173.8	E
730.5	Subsection 10, paragraph a, unnumbered paragraph 1 amended	SF 2173.9	E
730.5	Subsection 10, paragraph b amended	SF 2173.10	E
803.3*	Subsection 5 amended	HF 2149.1	J
805.8	Subsection 1 amended	HF 2530.4	J
805.8	Subsection 1 amended	HF 2569.6	J
805.8A*	Subsection 12, paragraphs b & c amended	HF 2207.91	J
805.8B	Subsection 2 amended	SF 297.93	J
805.8B	Subsection 5 amended	HF 2357.2	J
805.8C	Subsection 3, paragraph a amended	HF 2530.5	J
805.8C	Subsection 3, paragraph c, unnumbered paragraph 1 amended	HF 2530.6	J
805.8C	New subsection 4	HF 2562.7	E
805.8C	New subsection 4	HF 2259.4	J
805.8C	New subsection 4	HF 2302.58	J
805.13*	Subsection 1 amended	HF 2149.2	J
805.16	Subsection 1 amended	SF 297.94	J
811.1A	New section	SF 2272.4	J
812.1	Section repealed	SF 2272.16	J
812.2	Section repealed	SF 2272.16	J
812.3	Section amended	SF 2272.5	J
812.4	Section rewritten	SF 2272.6	J
812.5	Section rewritten	SF 2272.7	J
812.6	New section	SF 2272.8**	J
812.6	New section, subsection 2, unnumbered paragraph I amended	SF 2298.392	J
812.8	New section	SF 2272.9	J
812.9	New section	SF 2272.10	J
812.10	New section	SF 2272.11	J
814.7	New section	HF 2325.2	J
814.11	Subsection 7 amended	HF 2325.3	J
815.7	Section amended	SF 2272.12	J

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<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File #</u>	<u>Effective</u>
815.9	Subsection 1, unnumbered paragraph 1 amended	SF 2272.13	J
815.9	Subsection 1, paragraphs a & b amended	SF 2298.201	VETO
815.10	Subsection 1 amended	SF 2272.14	J
815.10	Subsection 6 amended	HF 2325.4	J
815.10A	Section amended	HF 2138.5	J
815.11*	Section amended	HF 2138.6	J
901.4*	Section amended	HF 2207.92	J
901.4*	Section amended	HF 2367.1	J
901.4*	Section amended	SF 2298.465	E
901.5*	subsection 7A, paragraph d amended	HF 2207.93	J
901.5B*	Section repealed	SF 2275.5	J
902.9	Unnumbered paragraph 2 amended	HF 2530.7	J
902.12*	Unnumbered paragraph 1 amended	SF 2275.1	J
903.1	Subsection 3 amended	SF 297.95	J
903.1	Subsection 4 amended	HF 2530.8	J
903.1	Subsection 4 amended	HF 2569.7	J
904.117*	Section amended	HF 2207.94	J
904.118	New section	SF 2298.202	E
904.201	Subsections 2, 6, & 7 amended	HF 2367.2	J
904.201	Subsection 3, paragraph b amended	SF 2272.15	J
904.703	Section amended	HF 2367.3	J
904.809	Subsection 5, paragraph c, new subparagraph (2A)	SF 2298.203	J
904.809	Subsection 5, paragraph c, subparagraph (3) amended	SF 2298.204	J
906.15	Unnumbered paragraph 1 amended	SF 2275.2	J
907.9*	Subsections 1, 2, & 4 amended	SF 2298.205	J
909.8	Section amended	HF 2569.8	J
909.10	Subsection 1 amended	HF 2530.9	J
911.1	Section rewritten	HF 2530.10	J
911.2	Section rewritten	HF 2530.11	J
911.3	Section rewritten	HF 2530.12	J
911.4	New section	HF 2569.9	J
915.13*	Subsection 1, paragraph h stricken	SF 2275.3	J
915.14*	Section amended	SF 2275.4	J

2004 ACTS - Listed by Bill Number

<u>Chap/Sec</u>	<u>Action Taken</u>	<u>Hse/Sen File #</u>	<u>Effective</u>
HF401.1	Section rewritten	SF 2298.395	J
HF2138.1	Section amended	SF 2298.195	J
HF2302.47	Section amended	SF 2298.328	J
HF2318.7	Section amended	SF 2298.364	J
HF2319.1	Section amended	SF 2298.363	J
HF2328.7	Section amended	HF 2390.27	J
HF2347.2	Section amended	SF 2298.373	J
HF2347.2	Section amended	SF 2298.374	J
HF2347.2	Section amended	SF 2298.375	J
HF2347.20	Section amended	SF 2298.376	J
HF2347.27	Section amended	SF 2298.377	J
HF2347.27	Section amended	SF 2298.378	J
HF2347.50	Section amended	SF 2298.379	J
HF2347.61	Section amended	SF 2298.380	J
HF2347.72	Section amended	SF 2298.381	J
HF2347.81	Section amended	SF 2298.382	J
HF2347.94	Section amended	SF 2298.383	J

<u>Section</u>	<u>Action Taken</u>	<u>Hse/Sen File #</u>	<u>Effective</u>
HF2347.116	Section amended	SF 2298.388	J
HF2395.1	Section amended	SF 2298.390	J
HF2401.1	Section repealed	HF 2401.5	12/31/06
HF2401.2	Section repealed	HF 2401.5	12/31/06
HF2401.3	Section repealed	HF 2401.5	12/31/06
HF2403.8	Section amended	SF 2298.366	J
HF2403.16	Section amended	SF 2298.367	J
HF2440.2	Section amended	SF 2298.263	VETO
HF2450.8	Section amended	SF 2298.387	J
HF2476.6	Section amended	SF 2298.329	J
HF2480.1	Section amended	SF 2298.391	J
HF2484.74	Section amended	SF 2298.262	J
HF2489.67	Section repealed	SF 2298.398	J
HF2490.8	Section repealed	SF 2298.273	E
HF2516.1	Section amended	SF 2298.349	J
HF2562.10	Subsection 2 amended	SF 2298.396	J
HF2562.11	Subsection 1 amended	SF 2298.343	J
SF297.53	Section amended	SF 2298.371	J
SF371.3	Section amended	SF 2298.372	J
SF2070.35	Subsection 1 amended	SF 2298.397	3/29/04
SF2118.1	Section amended	SF 2298.332	E
SF2249.1	Section amended	SF 2298.365	J
SF2249.2	Section amended	SF 2298.389	J
SF2257.1	Section amended	SF 2298.341	J
SF2269.8	Section amended	SF 2298.355	J
SF2269.13	Section amended	SF 2298.356	J
SF2269.18	Section amended	SF 2298.357	J
SF2269.20	Section amended	SF 2298.358	J
SF2269.27	Section amended	SF 2298.359	J
SF2269.30	Section amended	SF 2298.360	J
SF2269.33	Section amended	SF 2298.361	J
SF2269.33	Section amended	SF 2298.362	J
SF2272.8	Section amended	SF 2298.392	J
SF2274.27	Section amended	SF 2298.384	J
SF2274.104	Section amended	SF 2298.385	J
SF2274.145	Section amended	SF 2298.386	J
SF2282.1	Section amended	SF 2298.399	J
SF2284.1	Section amended	SF 2298.325	J
SF2284.2	Section amended	SF 2298.326	J
SF2284.5	Section amended	SF 2298.327	J
SF2295.1	Section amended	SF 2298.336	VETO
SF2296.19	Section void	SF 2296.53	J
SF2298.149	Section amended	HF 2577.12	J
SF2298.330	Section amended	SF 2311.9	R 6/30/4
SF2298.331	Section amended	SF 2311.11	R 6/30/04
SF2298.350	Section amended	SF 2298.351	1/1/06
SF2298.352	Section amended	SF 2298.353	1/1/06
SF2298.368	Section amended	SF 2298.369	1/1/06
SF2298.370	Section amended	SF 2311.8	R 6/30/04

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<u>Chap/Sec</u>	<u>Action Taken</u>	<u>Hse/Sen File #</u>	<u>Effective</u>
SF2298.440	Section repealed	SF 2298.441	VETO
SF2306	Act repealed	HF 2581.7	E

2003 ACTS (FIRST EXTRAORDINARY SESSION) AMENDED

<u>Chap/Sec</u>	<u>Action Taken</u>	<u>Hse/Sen File #</u>	<u>Effective</u>
1.41	Section repealed	SF 2298.442	E
1.114	Section amended	HF 2207.101	J
2.4	Unnumbered paragraph 3 amended	SF 2298.275	J
2.6	Section amended	SF 2298.156	E
2.65	Section repealed	SF 2311.4	R 7/1/03
2.66	Section repealed	SF 2311.4	R 7/1/03
2.67	Section repealed	SF 2311.4	R 7/1/03
2.68	Section repealed	SF 2311.4	R 7/1/03
2.69	Section repealed	SF 2311.4	R 7/1/03
2.70	Section repealed	SF 2311.4	R 7/1/03
2.71	Section repealed	SF 2311.4	R 7/1/03
2.72	Section repealed	SF 2311.4	R 7/1/03
2.73	Section repealed	SF 2311.4	R 7/1/03
2.74	Section repealed	SF 2311.4	R 7/1/03
2.75	Section repealed	SF 2311.4	R 7/1/03
2.94	Section amended	SF 2296.22	J
2.94	Section amended	SF 2296.23	J
2.95	Section amended	SF 2296.24	J
2.95	Section amended	SF 2296.25	J
2.96	Section amended	HF 2208.105	J
2.96	Section amended	SF 2026.1	J
2.96	Section amended	SF 2121.1	VETO
2.96	Section amended	SF 2187.4	J
2.96	Section amended	SF 2296.26	J
2.96	Section amended	SF 2296.27	J
2.96	Section amended	SF 2298.320	J

2003 ACTS AMENDED

<u>Chap/Sec</u>	<u>Action Taken</u>	<u>Hse/Sen File #</u>	<u>Effective</u>
8.9	Section repealed	SF 2070.33	E
8.10	Section repealed	SF 2070.33	E
8.12	Section repealed	SF 2070.33	E
8.27	Section repealed	HF 2433.3	J
8.29	Subsection 3 repealed	SF 2070.34	E
91.10	Section amended	HF 2208.103	R 7/1/03
112.4	Subsection 9 amended	HF 2134.8	R 10/1/03
143.17	Subsection 2 amended	HF 2208.104	J
145.286	Subsection 3, new paragraph c	HF 2207.98	R 7/1/03
145.290	Subsection 2, paragraph c amended	SF 2298.342	J
147.5	Section amended	HF 2562.8	R 7/1/03
147.6	Section amended	HF 2562.9	E
151.65	Section amended	HF 2207.99	E
171.2	New unnumbered paragraph	SF 2298.316	E
174.17	Section amended	SF 2298.206	E
175.9	New subsection 5	SF 2298.157	E
175.13	Subsection 2 amended	SF 2298.156	E
175.18	Subsection 9 amended	SF 2298.158	E
175.56	Subsection 2, paragraph g amended	SF 2298.159	E

177.6	Subsection 2 amended	SF	2298.291	E
177.14	Section amended	SF	2298.292	J
177.23	Subsection 3 amended	SF	2298.309	J
178.45	New unnumbered paragraph	SF	2298.160	E
179.2	Subsection 2, paragraph b amended	SF	2298.161	E
179.2	New subsections 3, 4, 5, & 6	SF	2298.175	J
179.21	Unnumbered paragraph 5 amended	SF	2298.274	E
179.38	Section amended	SF	2298.270	J
179.39	Section amended	SF	2298.294	E
179.140	Section amended	SF	2298.293	E
179.	New section 47A	HF	2207.100	E
180.24	Section amended	HF	2207.96	R 7/1/03
180.28	Section amended	HF	2207.97	R 7/1/03
183.1	Subsection 5, paragraph b amended	HF	2577.14	E

2002 ACTS (SECOND EXTRAORDINARY SESSION) AMENDED

<u>Chap/Sec</u>	<u>Action Taken</u>	<u>Hse/Sen File #</u>	<u>Effective</u>
1003.170	Section amended	SF 2298.206	E
1003.244	Section amended	SF 2298.155	E

2002 ACTS AMENDED

<u>Chap/Sec</u>	<u>Action Taken</u>	<u>Hse/Sen File #</u>	<u>Effective</u>
1135.36	Subsections 1 & 3 amended	HF 2262.59	R 1/1/02
1173.1	Subsection 7, paragraph a amended	SF 2298.310	J
1173.18	Section amended	SF 2298.294	E
1174.4	Unnumbered paragraph 3 amended	SF 2298.155	E
1174.8	Section amended	SF 2298.270	J

2001 ACTS AMENDED

<u>Chap/Sec</u>	<u>Action Taken</u>	<u>Hse/Sen File #</u>	<u>Effective</u>
174.1	Subsection 2 amended	SF 2298.270	J
185.2	Section amended	SF 2298.295	E
186.21	Section amended	SF 2298.206	E
192.4	Subsection 3, paragraphs e & f amended	SF 2298.154	J

2000 ACTS AMENDED

<u>Chap/Sec</u>	<u>Action Taken</u>	<u>Hse/Sen File #</u>	<u>Effective</u>
1225.2	Section amended	SF 2298.295	E
1225.19	Unnumbered paragraph 2 amended	SF 2298.296	E
1225.20	Section amended	SF 2298.297	E
1229.25	Section amended	SF 2298.206	E

1999 ACTS AMENDED

<u>Chap/Sec</u>	<u>Action Taken</u>	<u>Hse/Sen File #</u>	<u>Effective</u>
202.25	Section amended	SF 2298.206	E

EFFECTIVE DATE - Effective date indicates the date from which the bill section is to be applied, not necessarily the date specified in the Act.

A - applicability provisions

C - conditional effective date

E - effective upon enactment

J - effective July 1, 2004

V - various effective dates

IV - part of bill section vetoed

VETO - entire bill section vetoed

00/00/00 - specified effective date

R 00/00/00 - retroactive applicability

^ - 2003 Acts, Extra. Session, Chap. 2

***** - Code Supplement 2003

****** - subsequently amended

******* - subsequently repealed

******** - Code 2005

1998 ACTS AMENDED

<u>Chap/Sec</u>	<u>Action Taken</u>	<u>Hse/Sen File #</u>	<u>Effective</u>
1101.15	Subsection 2 amended	SF 2298.206	E

PROPOSED CONSTITUTIONAL AMENDMENT

<u>Chap/Sec</u>	<u>Action Taken</u>	<u>Hse/Sen File #</u>	<u>Effective</u>
Article XIII	New article	SJR 2010.1	Upon approval of the next GA and the voters

2004 SENATE COMMITTEES

STANDING COMMITTEES

AGRICULTURE

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 Hosch, Vice Chair
 Fraise, Ranking Member
 Angelo
 Behn
 Black
 Courtney
 Gaskill
 Houser
 Kibbie
 Putney
 Ragan
 Seng
 Veenstra
 Zieman

APPROPRIATIONS

Angelo, Chair
 Lamberti, Vice Chair
 Dvorsky, Ranking Member
 Behn
 Black
 Bolkcom
 Connolly
 Dotzler
 Fraise
 Gaskill
 Hatch
 Horn
 Houser
 McKibben
 McKinley
 Miller
 Schuerer
 Seng
 Seymour
 Shull
 Sievers
 Tinsman
 Veenstra
 Warnstadt
 Zieman

BUSINESS & LABOR RELATIONS

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 Lundby, Vice Chair
 Dearden, Ranking Member
 Courtney
 Dotzler
 Horn
 Johnson
 Kettering
 McKibben
 Seymour
 Wieck

COMMERCE

Behn, Chair
 Wieck, Vice Chair
 Warnstadt, Ranking Member
 Beall
 Bolkcom
 Brunkhorst
 Gronstal
 Kettering
 Lundby
 McCoy
 Putney
 Redfern
 Schuerer
 Sievers
 Stewart

ECONOMIC GROWTH

Rehberg, Chair
 Shull, Vice Chair
 Hatch, Ranking Member
 Beall
 Boettger
 Dotzler
 McKinley
 Putney
 Ragan
 Seymour
 Stewart
 Veenstra
 Ward

EDUCATION

Boettger, Chair
 McKinley, Vice Chair
 Connolly, Ranking Member
 Angelo
 Beall
 Behn
 Brunkhorst
 Dvorsky
 Holveck
 Hosch
 Kreiman
 Quirnbach
 Redfern
 Rehberg
 Ward

ETHICS

Drake, Chair
 Redfern, Vice Chair
 Kibbie, Ranking Member
 Connolly
 Dearden
 McKibben

GOVERNMENT OVERSIGHT

Lundby, Chair
 Brunkhorst, Vice Chair
 Courtney, Ranking Member
 Dvorsky
 Wieck

HUMAN RESOURCES

Veenstra, Chair
 Seymour, Vice Chair
 Ragan, Ranking Member
 Behn
 Boettger
 Hatch
 Holveck
 Horn
 Hosch
 Kreiman
 McKinley
 Schuerer
 Tinsman

JUDICIARY

Redfern, Chair
 Kettering, Vice Chair
 Kreiman, Ranking Member
 Boettger
 Brunkhorst
 Fraise
 Gaskill
 Holveck
 Horn
 McCoy
 McKibben
 Miller
 Quirnbach
 Tinsman
 Ward

LOCAL GOVERNMENT

Gaskill, Chair
 Miller, Vice Chair
 Quirnbach, Ranking Member
 Angelo
 Hatch
 Hosch
 Houser
 Kettering
 Kreiman
 McCoy
 Rehberg
 Seymour
 Stewart

NATURAL RESOURCES & ENVIRONMENT

Houser, Chair
 Johnson, Vice Chair
 Seng, Ranking Member
 Black

Bolkcom
 Brunkhorst
 Dearden
 Drake
 Holveck
 Kettering
 Kibbie
 Lundby
 Miller
 Redfern
 Zieman

RULES & ADMINISTRATION

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 Lamberti, Vice Chair
 Gronstal, Ranking Member
 Boettger
 Courtney
 Drake
 Dvorsky
 Gaskill
 Ragan
 Sievers
 Wieck

STATE GOVERNMENT

Zieman, Chair
 Sievers, Vice Chair
 Kibbie, Ranking Member
 Black
 Connolly
 Courtney
 Dearden
 Drake
 Johnson
 Ragan
 Schuerer
 Shull
 Tinsman
 Veenstra
 Ward

TRANSPORTATION

Drake, Chair
 Putney, Vice Chair
 McCoy, Ranking Member
 Beall
 Dearden
 Fraise
 Houser
 Johnson
 Rehberg
 Shull
 Ward
 Warnstadt
 Zieman

WAYS & MEANS

McKibben, Chair
 Shull, Vice Chair
 Bolkcom, Ranking Member
 Angelo

Connolly
 Dotzler
 Hosch
 McCoy
 McKinley

Miller
 Putney
 Quirmbach
 Rehberg

Seng
 Sievers
 Stewart
 Wieck

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 Ziemann, Vice Chair
 Holveck, Ranking Member
 Rehberg
 Stewart

AGRICULTURE & NATURAL RESOURCES

Gaskill, Chair
 Houser, Vice Chair
 Black, Ranking Member
 Seng
 Seymour

ECONOMIC DEVELOPMENT

McKinley, Chair

Behn, Vice Chair
 Dotzler, Ranking Member
 Putney
 Quirmbach

EDUCATION

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 Boettger, Vice Chair
 Horn, Ranking Member
 Kibbie
 Schuerer

HEALTH & HUMAN SERVICES

Tinsman, Chair
 Johnson, Vice Chair
 Hatch, Ranking Member
 Bolkcom
 Veenstra

JUSTICE SYSTEM

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 Angelo, Vice Chair
 Fraise, Ranking Member
 Hosch
 Kreiman

TRANSPORTATION, INFRASTRUCTURE & CAPITALS

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 McKibben, Vice Chair
 Warnstadt, Ranking Member
 Beall
 Ward

2004 HOUSE COMMITTEES

STANDING COMMITTEES

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Boal, Vice Chair
Bukta, Ranking Member
 Carroll
 Gipp
 Jacobs
 Klemme
 Manternach
 Mascher
 Murphy
 Quirk
 Rants
 Stevens
 Taylor, T.

AGRICULTURE

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Olson, S., Vice Chair
Mertz, Ranking Member
 Alons
 Baudler
 Davitt
 De Boef
 Dolecheck
 Frevert
 Greiner
 Huseman
 Klemme
 Kuhn
 Lalk
 Manternach
 Quirk
 Rayhons
 Stevens
 Struyk
 Swaim
 Whitaker

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Jenkins, Vice Chair
Kuhn, Ranking Member
 Alons
 Bell
 Boggess
 Chambers
 Dandekar
 De Boef
 Dolecheck
 Eichhorn
 Heaton
 Horbach
 Huseman
 Jacobs
 Mertz
 Petersen
 Quirk
 Reasoner
 Roberts

Smith
 Taylor, T.
 Thomas
 Upmeyer
 Wise

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Sands, Vice Chair
Petersen, Ranking Member
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 Dix
 Ford
 Freeman
 Hoffman
 Horbach
 Jacobs
 Jacoby
 Kurtenbach
 Manternach
 Oldson
 Osterhaus
 Quirk
 Raecker
 Taylor, D.
 Taylor, T.
 Van Fossen, J.K.
 Watts
 Wilderdyke
 Wise

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Lukan, Vice Chair
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 Boggess
 Dandekar
 Dix
 Granzow
 Hanson
 Jenkins
 Kramer
 Lalk
 Lensing
 Miller
 Olson, D.
 Olson, S.
 Smith
 Stevens
 Struyk
 Swaim
 Van Fossen, J.K.
 Wilderdyke

EDUCATION

Tymeson, Chair
Chambers, Vice Chair
Wendt, Ranking Member
 Berry

Boal
 Bukta
 Carroll
 Cohoon
 Dandekar
 Dennis
 Dolecheck
 Foege
 Kramer
 Mascher
 Paulsen
 Raecker
 Roberts
 Schickel
 Stevens
 Tjepkes
 Upmeyer
 Winckler
 Wise

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Greimann, Ranking Member
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 Drake
 Elgin
 Fallon
 Ford
 Gaskill
 Hahn
 Hanson
 Heddens
 Hogg
 Klemme
 Kuhn
 Maddox
 Olson, D.
 Olson, S.
 Shoultz
 Watts
 Wilderdyke

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Dennis, Vice Chair
Mascher, Ranking Member
 Bukta
 Huseman
 McCarthy

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Lensing, Ranking Member
 Baudler
 Jenkins
 Kramer
 Oldson

Thomas
 Wendt

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Smith, Ranking Member
 Berry
 Carroll
 Foege
 Freeman
 Greimann
 Heaton
 Heddens
 Hunter
 Hutter
 Jacoby
 Lukan
 Miller
 Roberts
 Tymeson
 Upmeyer
 Watts
 Wendt
 Wilderdyke

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Paulsen, Vice Chair
Swaim, Ranking Member
 Baudler
 Berry
 Boal
 Boddicker
 Dennis
 Eichhorn
 Foege
 Greimann
 Heaton
 Hutter
 Jochum
 Kramer
 Lensing
 Reasoner
 Schickel
 Struyk
 Van Fossen, J.R.
 Winckler

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Van Engelenhoven, Chair
Schickel, Vice Chair
Fallon, Ranking Member
 Arnold
 Boal
 Connors
 Elgin
 Gaskill
 Hahn
 Hanson

Hoffman
Huser
Jones
Lensing
Maddox
Olson, D.
Reasoner
Shomshor
Tjepkes
Van Fossen, J.K.
Whitead

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Boddicker
Bogges
Davitt
Dix
Frevert
Granzow
Lukan
Lykam
McCarthy
Mertz
Rayhons
Taylor, D.
Van Engelenhoven
Van Fossen, J.R.
Whitaker
Whitead

PUBLIC SAFETY

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McCarthy, Ranking Member
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Bell
Boddicker
Chambers
De Boef
Eichhorn
Ford
Freeman
Heddens
Hogg
Horbach
Hunter
Klemme
Osterhaus
Sands
Shoultz
Taylor, T.
Tjepkes

STATE GOVERNMENT

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Jochum, Ranking Member
Connors
Drake
Fallon
Gaskill
Greiner

Hutter
Jacobs
Jones
Lykam
Manternach
Mascher
Oldson
Petersen
Raecker
Rasmussen
Roberts
Watts
Whitead

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Bukta
Chambers
Cohoon
Dolecheck
Elgin
Greiner
Hunter
Huseman
Klemme
Lykam
McCarthy
Miller
Olson, S.

Rasmussen
Thomas
Van Engelenhoven
Whitaker

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Carroll
Davitt
Drake
Frevert
Hahn
Hogg
Huser
Jochum
Jones
Kurtenbach
Lalk
Lukan
Oldson
Olson, S.
Paulsen
Sands
Shomshor
Taylor, D.
Tymeson
Wendt
Winckler

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Elgin
Hunter
Lykam
Olson, D.
Paulsen
Van Engelenhoven

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Bell
Chambers
Hahn

Mertz
Rasmussen
Reasoner

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Dandekar
Gaskill
Hoffman
Hogg
Sands
Schickel

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Dennis

Frevert
Greimann
Kurtenbach
Tymeson

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Boddicker
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Heddens
Hutter
Smith

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Hanson, Vice Chair
Foege, Ranking Member

Lukan
Maddox
Miller
Shomshor
Swaim
Van Fossen, J.R.

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Jacoby
Rayhons
Struyk
Whitead